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1	IN THE UNITED STATES DISTRICT COURT
2	FOR THE DISTRICT OF MARYLAND NORTHERN DIVISION
3	
4	UNITED STATES OF AMERICA)
5	
6	v.) Criminal Docket No. WDQ-10-0770) Volume V
7 8	GERMAN de JESUS VENTURA and) KEVIN GARCIA FUERTES,) Defendants)
9	Baltimore, Maryland April 15, 2013 9:30 AM to 6:01 PM
10	THE ABOVE-ENTITLED MATTER CONTINUED ON FOR
11	JURY TRIAL BEFORE THE HONORABLE WILLIAM D. QUARLES, JR.
12	
13	<u>APPEARANCES</u>
14	On behalf of the Government:
15	Michael Cunningham, Assistant U.S. Attorney Rachel Yasser, Assistant U.S. Attorney
16	On behalf of Defendant German de Jesus Ventura:
17	Gerald Ruter, Esquire
18	On behalf of Defendant Kevin Garcia Fuertes:
19	Michael D. Montemarano, Esquire
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1	APPEARANCES (CONT.)
2	Also present:
3	HSI Special Agent Edward Kelly
4	Victoria Kirchgessner, Spanish Interpreter Marta Goldstein, Spanish Interpreter Challey Plymbaga Laggange Charles Interpreter
5	Shelley Blumberg-Lorenzana, Spanish Interpreter Soni Kim, Korean Interpreter
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22	Reported by:
23	Martin J. Giordano, RMR, CRR, FOCR U.S. Courthouse, Room 5515
24	101 West Lombard Street Baltimore, Maryland 21201
25	410-962-4504

PROCEEDINGS OF APRIL 15, 2013 1 2 (Whereupon, Interpreter Kim not present.) THE CLERK: All rise. The United States District 3 Court for the District of Maryland is now in session, The 4 Honorable William D. Quarles, Jr. presiding. 5 THE COURT: Good morning. Please be seated. 6 7 THE CLERK: Good morning, Your Honor. 8 INTERPRETER GOLDSTEIN: We need the equipment, Belinda -- the interpreting equipment. Is it over here? 9 10 THE CLERK: Yeah. Wherever you all put it. I 11 didn't put it up. 12 INTERPRETER GOLDSTEIN: I didn't either. 13 Your Honor, the Defendant would like to speak with 14 you. He says: 15 THE WITNESS: I have a letter for you. I want to put it in my record, please. I told my attorney to give it to 16 you, but he said you won't read it. 17 18 THE COURT: Oh, of course I'll read it, if it's 19 translated. 20 DEFENDANT VENTURA: This is my life, Your Honor. 21 This is my life. 22 THE COURT: Yes, I understand. 23 **DEFENDANT VENTURA:** Is there any way I can get this 24 to you? 25 THE COURT: Yes.

DEFENDANT VENTURA: Thank you, sir. Bless vou for 1 2 being a good guy. 3 MR. RUTER: I have not seen it, Your Honor. THE COURT: And, while we're on the subject, 4 requests by Mr. Ventura, for reasons to be stated in an 5 Order to be filed today, his paper filed last April 10, which 6 I have construed as a motion for various forms of relief, will 7 be denied for the reasons stated in that Order. 8 9 Now, Mr. Montemarano, I understand you had 10 something? 11 MR. MONTEMARANO: Very briefly, Your Honor. 12 THE COURT: Yes? 13 MR. MONTEMARANO: The Government brought an evidentiary issue to my attention last evening. I've spoken 14 15 with Mr. Ruter about it, and, at this point, I think we have an agreement that the Government won't go into it until such 16 17 time as we can lay it out for the Court. Maybe we can do it 18 at the break or at lunch. 19 Is that a fair statement, Mr. Cunningham? 20 MR. CUNNINGHAM: Yes, it is, Your Honor. 21 MR. MONTEMARANO: Just concerning certain additional 22 phone lines that they're going to be attempting to attribute 23 to Mr. Fuentes. 24 THE COURT: Okay. 25 MR. MONTEMARANO: Thank you, Your Honor.

1	THE COURT: May I send for the jury?
2	MR. MONTEMARANO: Absolutely.
3	THE COURT: Yes.
4	(Jury enters.)
5	THE COURT: Good morning. Please be seated.
6	Please remind the witness.
7	THE CLERK: I'd like to remind you: You're still
8	under oath. Will you state your name for the record again,
9	please.
. 0	THE WITNESS: Ferman Martinez Hernandez (sic).
.1	MR. RUTER: Your Honor?
.2	THE COURT: Yes.
.3	FERMAN HERNANDEZ MARTINEZ
. 4	WAS PREVIOUSLY DULY SWORN TO TELL THE TRUTH
.5	CROSS-EXAMINATION (CONT.)
. 6	BY MR. RUTER:
.7	Q. Mr. Martinez, good morning.
. 8	A. Good morning.
. 9	Q. Sir, just very briefly, if I understand it, you have
20	committed a robbery on February 17th of 2010; is that correct?
21	A. On the 17th of February?
22	(Counsel conferring.)
23	Q. My apologies. I think it was November the 3rd of 2010.
2.4	A. Uh-huh, yes.
25	Q. And you were charged with assaulting an individual; is

1	that correct?
2	A. Correct.
3	Q. And you went to court?
4	A. Correct.
5	Q. And you were found guilty?
6	A. Exactly.
7	Q. And the question is: What was the exact sentence that
8	the Judge gave you when you were sentenced in the Anne Arundel
9	County Circuit Court?
10	MR. CUNNINGHAM: Objection, Your Honor.
11	THE COURT: Basis?
12	MR. CUNNINGHAM: Your Honor, may we approach?
13	THE COURT: Come up.
14	(Whereupon, the following discussion occurred at the
15	bench.)
16	THE COURT: Is there an interpreter who can hear me?
17	INTERPRETER BLUMBERG: Yes.
18	THE COURT: Thank you.
19	MR. CUNNINGHAM: Your Honor, certainly I understand
20	that conviction of a felony offense is admissible for
21	impeachment purposes under 609, but the sentence in particular
22	is not relevant to the question of impeachment, and, in fact,
23	his sentence did not you know, was not in any way affected
24	by his testimony here. He has testified that he's hopeful
25	he may have actually testified to this, but he's testified

that his hope for some reduction in that sentence, but, as to the exact amount of the sentence, it's not relevant to the question of his credibility.

MR. RUTER: Your Honor, first of all, it is my recollection that Government counsel had asked him, I think, two or three times what his sentence was, and he never did answer the question, and then I think finally Mr. Cunningham gave up and he asked him whether or not he was hoping to get some relief from that sentence, and I think the answer was yes. So I am simply retrodding the same ground the Government did, trying this time to get an answer, and, once I get an answer, to ask him whether he hopes to get a reduction from whatever that number is.

THE COURT: Overruled.

(Whereupon, the bench conference was concluded.)

BY MR. RUTER:

- Q. Sir, do you recall my last question?
- A. No.

- Q. The question is: What was the sentence that the Judge imposed upon you after you were found guilty of the assault and robbery?
- 22 A. It's ten years.
 - Q. And do I understand that it is your hope that, as a result of cooperating with the Government here, that you wish to go back to the same judge and ask that judge to reduce that

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1
       ten-year sentence?
 2
            I think so.
       Α.
 3
            Okay. Well, may I ask you this: Did Mr. Cunningham here
 4
       or Ms. Yasser or any other federal official promise you that
       they would write the Judge or speak with your attorney or do
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       something to assist you in the attempt to reduce your
 6
 7
       sentence?
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       Α.
            No.
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            So your testimony is that you do hope to receive a
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       reduced sentence as a result of your cooperation; is that
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       right?
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            Yes, I think so.
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            But no one from the Government has told you that they
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       would assist you in trying to get that sentence reduced; is
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       that correct?
16
            Uh-huh, that's right.
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                 MR. RUTER: No further questions.
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                 THE COURT: Mr. Montemarano?
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                 MR. MONTEMARANO: No questions, Your Honor.
                                                                Thank
20
       you.
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                 THE COURT:
                             Thank you.
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                 Government, redirect?
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                 MR. CUNNINGHAM: Your Honor, I have no further
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       questions for Mr. Martinez.
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                 THE COURT:
                             Thank you.
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Good day, Mr. Martinez Hernandez. 1 2 (Witness excused.) 3 THE COURT: Call your next witness. MR. CUNNINGHAM: Your Honor, the United States calls 4 Detective Jose Chinchilla. 5 Detective Chinchilla, would you please approach the 6 7 witness chair, face the courtroom clerk, raise your right hand to be administered an oath. 8 9 JOSE CHINCHILLA 10 WAS THEN DULY SWORN TO TELL THE TRUTH 11 THE CLERK: Be seated, sir. 12 THE WITNESS: Thank you. 13 THE CLERK: You can scoot up and speak directly 14 toward the mic. State your name, and then spell it for the 15 record, please. THE WITNESS: It is Jose Chinchilla, J-O-S-E, last 16 17 name, C-H-I-N-C-H-I-L-A. 18 THE COURT: Members of the jury, have any of you 19 known or have any dealings with Detective Chinchilla, who was 20 not on the witness list and, therefore, was not voir dired? 21 (No response.) 22 THE COURT: No response. Jurors are shaking their 23 head, "No." 24 Yes, you may begin your examination. 25 MR. CUNNINGHAM: Thank you, Your Honor.

DIRECT EXAMINATION

BY MR. CUNNINGHAM:

- Q. Detective Chinchilla, are you currently assigned with the Prince George's County Police Department?
- A. Yes, sir.

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- Q. And what are your current duties?
- 7 A. Currently, I am assigned as a supervisor for the Prince 8 George's County K-9 Unit.
 - Q. How long have you been a police officer?
 - A. Been with the police department going on nine years.

MR. RUTER: Your Honor, excuse me. Could I have a moment to speak with Government's counsel, please?

THE COURT: Yes.

MR. RUTER: Thank you.

(Counsel conferring.)

MR. RUTER: May we approach, Your Honor?

THE COURT: Come up.

(Whereupon, the following discussion occurred at the

bench.)

THE COURT: Yes?

MR. RUTER: Your Honor, given the fact that this witness was not named as a witness in this case, I just asked Government counsel what the nature of his testimony was going to be, and the difficulty I have with it is he is going to present evidence which may be relevant to Count 6, which is

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threats and the force of violence alleged against Mr. Ventura,
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 2
       so his testimony is not -- it's not just mundane or
 3
       collateral; it's very relevant to Count 6 of the Indictment,
       so we'd object and ask the Court not to permit him to testify.
 4
 5
                 MR. CUNNINGHAM:
                                  Judge, it -- actually --
                 THE REPORTER: I need to hear you. Right into the
 6
 7
       microphone.
 8
                 MR. CUNNINGHAM: Judge, with respect to the
       Indictment, in Count 1 -- I'm looking specifically at
 9
10
       paragraph -- to try to identify -- Paragraph 20, which
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       identifies the overt acts, Subparagraph (j) identifies a
12
       threatening phone call, and the synopsis of the detective's
13
       testimony is included in the surveillance notes that were
14
       disclosed in the discovery. I acknowledge that the failure to
15
       include him on the witness list was an oversight. We decided
       this weekend to actually call him as a witness this morning.
16
17
       It certainly wasn't intended in any way to sandbag the
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                 As I say, it's a charged overt act, and --
       Defense.
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                 THE COURT: The substance of his testimony, has that
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       been communicated to the Defense?
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                 MR. CUNNINGHAM: Yes. It was disclosed to --
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                 THE COURT: In what form?
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                 MR. CUNNINGHAM: In discovery, Your Honor.
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       part of the notes that -- the Detective Hartlove's notes
25
       regarding surveillance identify the testimony -- I can
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summarize for the Court very quickly, because the testimony --1 2 THE COURT: I only want to hear it once when he's 3 testifying. Let me ask you: Are you going to restrict your examination to the materials that were disclosed? 4 5 MR. CUNNINGHAM: Yes, Your Honor. I was going to give some background, just a little background of his 6 7 experience and such, but, with regard to anything relevant to 8 this case, yes, I will restrict it simply to the synopsis in the material disclosed. 9 10 THE COURT: Okay. And this material was disclosed 11 when? 12 MR. CUNNINGHAM: It was part of the -- it was 13 included on an external hard drive that was disclosed in 14 February, Your Honor. I don't know the exact date off the top 15 of my head, but we provided it. 16 MR. RUTER: Your Honor, just briefly. 17 THE COURT: Yes. MR. RUTER: The Court should know that the way that 18 19 this attorney operates is that, when he is aware of potential 20 witnesses when he sets up his trial --21 THE COURT: You prep for them? 22 I prepare for every witness, and I have MR. RUTER: 23 a couple of very thick binders to prove that. They're all in 24 alphabetical order, and Officer Chinchilla does not appear. 25 There were several folks, Judge Quarles, who did surveillance.

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Direct Examination of Jose Chinchilla A whole bunch of folks did surveillance, and the only ones that I took notes on and that I prepared to meet are those that are on the witness list, and Detective -- I don't doubt what counsel is saying is accurate. I'm only saying to the Court, if I didn't see his name on the list, then I set aside the one or more reports that are relevant to that particular witness. MR. MONTEMARANO: I have nothing to say, Your Honor. THE COURT: Okay. MR. CUNNINGHAM: Your Honor, I mean, certainly we're respectful of the opportunity -- to give the Defense the

opportunity to prepare. I'm not aware of a strict requirement to lay out every single witness that we intend to call. We've endeavored to give as much advance notice of that as we can, and I understand the Court's authority under the rules to govern the procedure here. To the extent that -- you know, one witness that we are essentially calling out of order, I will preview for the Court --

Is this the only surprise witness? THE COURT: MR. CUNNINGHAM: Well, I was going to tell the Court I will preview -- we had identified very recently -- actually, I think Detective -- Detective Hartlove was able to locate him and identify at the end of March another witness that we told the Defense we intended to call today, an individual named Guillen Garcia, again, for very limited purposes of his

testimony regarding the $\overline{\text{lease}}$ --1 2 THE COURT: Was this person on your witness list? 3 MR. CUNNINGHAM: I don't believe. I think his name is Antonio Guillen -- Antonio Santos Guillen Garcia, and I --4 5 I don't believe he is on the list, Your Honor, although it's possible he'd be on the list of people who might -- whose 6 7 names might be heard by the jury. 8 THE COURT: Two Garcias. Neither appears to be that What's the name? 9 one. 10 MR. CUNNINGHAM: Antonio Santos Guillen, G-U-I --11 THE COURT: Antonio? 12 MR. CUNNINGHAM: Antonio. THE COURT: Santos. 13 14 MR. CUNNINGHAM: Santos Guillen, G-U-I-L-E-N, 15 Garcia, G-A-R-C-I-A. 16 THE COURT: Okay. Has there been disclosure of this 17 witness' testimony? 18 MR. CUNNINGHAM: Your Honor, to the extent that his 19 testimony relates to a lease, we did provide a synopsis of the 20 report that was prepared in the wake of the investigation, 21 yes. 22 I think I got that over the weekend, MR. RUTER: 23 Your Honor, and I did print it out. Mr. Cunningham told me 24 about it again this morning. He had actually e-mailed both 25 Mr. Montemarano and myself, and I told him that I wasn't -- I

didn't have a problem with him because what he's going to 1 2 testify to is that my client may have been involved in the 3 lease signing, and I think the Government has proven a thousand times that there is a prostitution ring going on and 4 5 my client's involved in it, so I didn't care about that. This witness, however, deals with Count 6, and that 6 7 is of great concern to me, and that's why I'm standing here, 8 Count 6 being the threats. 9 THE COURT: Okay. Your objection is sustained. 10 was not disclosed. He will not testify. 11 MR. RUTER: Thank you, Your Honor. 12 MS. YASSER: Your Honor, I would suggest calling him 13 later --14 MR. CUNNINGHAM: Your Honor, that's what I was going 15 to ask, is can we call him at a later time during our trial? 16 THE COURT: Okay. If they've had a chance to 17 prepare, sure. I will revisit it then. 18 MR. RUTER: Thank you, sir. 19 THE COURT: Thank you. 20 MR. CUNNINGHAM: Your Honor, while we're at the 21 bench, the next witness in order that we would call, then, is 22 a witness who is currently in custody, Hector Avila, so the --23 presumably the Marshals will need some time to bring him up. 24 We did alert them that the next witness after 25 Detective Chinchilla was going to be --

1	MS. YASSER: They're indicating he's waiting.
2	MR. CUNNINGHAM: He's apparently waiting, so he is
3	ready.
4	THE COURT: Okay. Thank you.
5	(Whereupon, the bench conference was concluded.)
6	THE COURT: Detective Chinchilla, you may leave the
7	stand.
8	This witness will be subject to recall; is that
9	correct, Mr. Cunningham?
10	MR. CUNNINGHAM: Yes, it is, Your Honor.
11	THE COURT: Okay. Please call your next witness.
12	THE WITNESS: Thank you, Your Honor.
13	(Witness excused pending further examination.)
14	MR. CUNNINGHAM: Mr. Hector Avila.
15	THE COURT: The next witness is in custody, so it
16	takes a while to move people who are in custody.
17	THE CLERK: Please stand and raise your right hand.
18	HECTOR FABIAN AVILA
19	WAS THEN DULY SWORN TO TELL THE TRUTH
20	THE CLERK: Thank you. Be seated. Will you state
21	your name, scoot up, and speak directly toward it. And state
22	his name for the record, please.
23	THE WITNESS: Hector Fabian Avila.
24	THE CLERK: Thank you.
25	

DIRECT EXAMINATION

BY MR. CUNNINGHAM:

- Q. Mr. Avila, do you speak English?
- 4 A. Yes, sir.
- 5 Q. Do you speak English well enough so that you feel
- 6 comfortable without the assistance of a translator into
- 7 | Spanish?

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- 8 A. Yes, sir.
- 9 MR. CUNNINGHAM: Your Honor, if I may then proceed
- 10 to direct the witness in English?
- 11 THE COURT: Yes.

- 13 Q. Mr. Avila, you appear in prison garb. Are you currently
- 14 in custody?
- 15 A. Yes, sir.
- 16 Q. Where are you in custody?
- 17 A. Jennifer Road. Annapolis, Maryland.
- 18 Q. And that's the Anne Arundel County Detention Center?
- 19 A. Yes, sir.
- 20 Q. Okay. We'll come back later to the circumstances that
- 21 took you there.
- 22 Sir, how old are you?
- 23 A. I'm 22 years old.
- 24 \blacksquare Q. You can pull yourself up as close as possible.
- 25 A. Okay.

- 1 Q. I'm sorry. You said you're 22 years old?
- 2 A. Twenty-two.
- 3 Q. Twenty-two. And are you a native of the United States?
- 4 A. No.
- 5 Q. Where are you from?
- 6 A. El Salvador.
- 7 Q. How long have you lived in the United States?
- 8 A. Fourteen years.
- 9 Q. So sounds like you were about eight years old when you
- 10 came here. How did you come to be in the United States?
- 11 A. Well, I flew over here to the U.S.
- 12 Q. And who brought you?
- 13 A. My parents.
- 14 Q. When you came, did you come here legally?
- 15 A. Yes.
- 16 \parallel Q. And do you know what your current Immigration status is?
- 17 A. Yes. I have a TPS work permit.
- 18 Q. Now, are you aware that, given some recent troubles that
- 19 you had, that that may be in jeopardy as far as your
- 20 permission to stay in the United States?
- 21 A. Yes, sir.
- 22 | Q. Have you ever been deported from the United States?
- 23 A. No.
- 24 Q. And, other than the first time you came to the United
- 25 States, have you ever left and returned?

- 1 A. Yes. I went back in 2001 to visit.
- Q. Okay. When you said you have a permit, that allows you
- 3 | to work in the United States; is that correct?
- 4 A. Yes, sir.
- 5 Q. And have you been employed for the past four years?
- 6 A. Yes, sir.
- 7 Q. Now, I earlier mentioned that you're in prison garb, and
- 8 | you're in custody in Anne Arundel County. Why are you
- 9 currently in custody?
- 10 A. Violation of probation for a driving.
- 11 Q. And did you have an underlying traffic offense?
- 12 A. I was driving with a revoked license.
- 13 Q. You also have a conviction in Virginia; is that correct?
- 14 A. Yes, sir.
- 15 \blacksquare Q. And what was the conviction or what was the crime for
- 16 which you were convicted in Virginia?
- 17 A. It was identity theft and fraud.
- 18 Q. And a brothel?
- 19 A. Yeah. It was basically lies to police officer about my
- 20 name, so that's what it was.
- 21 Q. Were you using a false ID?
- 22 A. No.
- 23 Q. Were you working prostitutes in Virginia?
- 24 A. No.
- 25 Q. Maybe I misunderstood. I thought you said "a brothel"?

- 1 No. Fraud. Α.
- 2 Fraud. Okay. I apologize.
- 3 And did you receive any term of incarceration for
- the conviction of that crime? 4
- 5 I was given a probation for three years and community service. 6
- 7 And was that offense what caused the revocation of your Ο. 8 probation in Anne Arundel County?
- 9 Α. No.

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- 10 What was it that prompted Anne Arundel County to revoke 11 your probation?
- 12 My violation of probation was because of a technical 13 problem, which was I failed to appear to my probation officer.
 - Now, you mentioned that, for the past several years, you've been working. What was the first kind of work that you
- 17 First work that I ever took was as a cashier in a Α. 18
- 19 When was that? Q.

Popeye's.

Α. That was back in '06.

undertook, Mr. Avila?

- 21 About how old were you then? Q.
- 22 About 16. Α.
- 23 How long had you worked in that job?
- 24 I only worked there for a few months, because I was still 25 in school.

- 1 Q. And was that a public high school you attended?
- 2 A. I was going to a middle school at that time.
- 3 Q. Okay. Did you complete school?
- 4 A. No. I didn't complete school, but I got my GED.
- 5 Q. Okay. And did there come a time when you changed work
- from Popeye's?
- 7 A. Yes.
- 8 Q. Did you start doing something else?
- 9 A. Yeah. I was working as a busboy in downtown Annapolis.
- 10 Q. How long did you work as a busboy?
- 11 A. For like six months.
- 12 Q. Why did you leave that job?
- 13 A. I had some problems with the manager, so I quit.
- 14 Q. Okay. What did you do after that?
- 15 A. I went to work as a cashier and cook in a Pizza Boli's.
- 16 Q. Is that also located in Annapolis?
- 17 A. Yes, sir.
- 18 Q. How long did you work at Pizza Boli's?
- 19 A. For like two years.
- 20 Q. So would you have been about 18 or 19 when you stopped
- 21 working -- well, let me ask you this: Did you stop working at
- 22 Pizza Boli's?
- 23 A. Yes.
- 24 Q. And why did you stop working there?
- 25 \blacksquare A. I had a little problems with one of the manager's family

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       that was working there, and I decided to quit, too, so --
 2
            And about how old were you at the time you quit working
       at Pizza Boli's?
 3
            About 19.
 4
       Α.
            And what did you -- well, did you find employment after
 5
       Q.
       that?
 6
 7
            Yeah.
       Α.
 8
            Well, what did you start to do then?
       Q.
 9
            I was doing prostitution after that.
       Α.
10
       Q.
            Were you associated with someone?
11
       Α.
            Yes.
12
            Who was that?
       Q.
13
       Α.
            That was Freddy Soriano.
14
       Q.
            I'm going to show you Government Exhibit 15c/1.
                                                                Do you
15
       recognize this individual as Freddy Soriano?
16
       Α.
            Yes.
17
       Q.
            Was he an acquaintance of yours?
18
            Yes.
       Α.
19
            And how was it that you came to be involved in
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- 20 prostitution?
- 21 I come up to him one day in the store, so I saw him
- 22 there, and I already knew what he was working, and so I
- 23 offered to give out some cards on his behalf. So, after that,
- 24 we started like getting in touch, and I started came and work
- 25 with him.

- 1 | Q. Do you know how he ran his prostitution business?
- 2 A. Yes.
- 3 Q. How was that?
- 4 A. It was delivery.
- 5 Q. And explain what you mean by "delivery," please.
- 6 A. Driving womans from one house to another house.
 - Q. Did you ever drive for him?
- 8 A. Yes.

9

- Q. Now, when you offered to work for Freddy, did he pay you?
- 10 A. There was a time when he didn't pay me because he said he
- was having some problems. I tried to help him out as far as I
- 12 could, but then, after that, yeah, we started going half and
- 13 half of what we were making.
- Q. And how much did -- was Freddy charging or were you
- 15 charging for the services of a prostitute?
- 16 \blacksquare A. \$30 for every 15 minutes.
- 17 | Q. Now, did you know of any other people in the Annapolis
- area who were also operating in the sex-trafficking business?
- 19 A. Yes.

around.

- 20 Q. Now, I want to go back now to when you first started
- 21 | working for Freddy. At that time, did you know of any other
- 22 people working in the sex-trafficking business?
- 23 A. At that time, I did know, but not personal was actually
- working there. I did know there was another business going on
- 25

- 1 Q. So you personally didn't know who it was?
- 2 A. No.
- 3 Q. Okay. And I neglected to ask you: With regard to
- 4 Freddy, are you aware whether he was known by any other names
- 5 or nicknames?
- A. Yes.
- 7 Q. What were they?
- 8 A. Juan.
- 9 Q. Anything else you can think of?
- 10 A. The Amigo, Primo.
- 11 Q. Where was Freddy from?
- 12 A. Dominican Republic.
- Q. Was he ever known based on where he came from?
- 14 A. Yeah. The Dominicano.
- 15 Q. Okay. Did you hear people in the community using those
- 16 | names to describe or contact or speak to Freddy Soriano?
- 17 A. Yes.
- 18 \parallel Q. Now, did there come a time when you had -- you personally
- 20 trafficking business in Annapolis, Maryland?
- 21 A. Yes.
- 22 Q. Who was the person? Or let me ask you this: How was the
- person with whom you had contact known to you?
- 24 A. As Chino.
- 25 Q. How did you first have contact with this person known to

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1 you as Chino?
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- 2 A. By phone call.
- 3 Q. And did you contact him, or was it vice versa?
- 4 | A. No. I didn't contact him. He was the one who contacted
- 5 me.
- 6 Q. And by telephone?
- 7 A. Yes.
- 8 Q. Was this a cell phone?
- 9 A. Yes.
- 10 Q. And had you given him your phone number?
- 11 A. No.
- 12 Q. And was your phone number on any kind of documents or
- 13 publicly available to other people?
- 14 A. Yes.
- 15 Q. Other individuals in the Hispanic community --
- 16 A. Yes.
- 17 | Q. -- in Annapolis?
- 18 \blacksquare A. (Witness nodding head in the affirmative.)
- 19 Q. How so?
- 20 A. There was a time that I came to put my number on some of
- 21 the cards that I was handing out.
- 22 Q. That was your cell phone number?
- 23 A. Yes.
- 24 Q. Prior to that, had it been a phone number associated more
- 25 with Freddy?

- A. It had both his number and my number, but my number was my phone.
 - Q. And were you and Freddy still working together at the
- 4 time of --

- 5 A. Yes.
- 6 | Q. -- this contact?
- 7 A. Yes.
- 8 Q. Did there ever come a time when your association with
- 9 Freddy changed?
- 10 A. Yes.
- 11 Q. About when was that?
- 12 A. I can't recall about when it was.
- 13 Q. Why did the association you had with Freddy change?
- 14 A. Because he kept getting himself in too many problems,
- 15 getting himself locked up too much.
- 16 Q. And, as a result of that, what did you do?
- 17 A. I left him out of the business.
- 18 \blacksquare Q. Did you essentially start doing a delivery service of
- 19 prostitutes on your own?
- 20 A. Yes.
- 21 Q. Did Freddy know that?
- 22 A. Yes.
- 23 Q. Now, you mentioned that you received a telephone call
- 24 | from a person, and how did the telephone call start? How did
- 25 you know you were speaking to someone named Chino?

Because he -- he told me at that time it was him, and he 1 2 wanted me out of the -- out of the area, because he didn't 3 want me working there. He didn't want any more competition. Now, in order to try to put this into a time frame, do 4 Q. 5 you remember that, on November 3rd of 2010, you were involved in an incident when you were assaulted? 6 7 Α. Yes. 8 Using that as a point of reference date, do you have an Q. 9 approximate amount of time -- how many months before that do 10 you think it was that you first heard from Chino? 11 Like at the beginning of the -- of -- at the beginning of 12 the year, so like around the summertime, probably like around 13 June. So several months before November? 14 0. 15 Α. Yes. 16 But it sounds like you don't have an exact recollection 17 of how many months before it was? 18 No, not an exact time. Α. 19 When you got the first phone call from Chino, did he say 20 anything in that phone call relating to any other individuals 21 in the sex-trafficking business? 22 MR. RUTER: Objection. The form of the question, 23 Your Honor, is very leading. 24 THE COURT: Okay. Overruled.

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- 1 Q. Do you understand my question, Mr. Avila?
- 2 A. Yes.
- 3 Q. Can you answer the question?
- 4 A. Yes. I --
- 5 Q. What did he say, please?
- 6 A. Yeah. The first time, he called, just told me he wanted
- 7 | me out of the competition. He didn't want me to keep working
- 8 in the area, and he didn't want the Dominican to be working in
- 9 the area either, because he said somehow that we were getting
- 10 hot.

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- 11 Q. And did he make any threats?
- 12 A. Yes.
- 13 MR. RUTER: Objection again, Your Honor.
- 14 **THE COURT:** Okay. Overruled.

- Q. What did he say?
- 17 A. He told me that, if I wasn't -- if I didn't pay
- 18 attention, he was going to come after me.
- 19 Q. Did he say what he would do to you?
- 20 A. Yes.
- 21 Q. What was that?
- 22 A. He told me the same thing that happened to Pelon was
- going to happen to me.
- 24 Q. Now, at that time, did you know Pelon?
- 25 A. I didn't know him, but I did hear about him.

- 1 Q. And did you hear what happened to Pelon?
- 2 A. Yes.
- $3 \quad \square$ Q. And what was that?
 - A. He was killed on Janwall Street in Annapolis, Maryland.
- Q. Did you know what kind of business Pelon was in at the
- 6 time?

- 7 A. Yes.
 - Q. What was that?
- 9 A. Prostitution.
- 10 Q. Now, at the time you received this first phone call, did
- 11 you have any idea who the Chino was, or the person was who
- identified himself as Chino when the call was made?
- 13 A. At that time, no.
- Q. Did there come a time when you had an encounter with the
- person who was identified as Chino?
- 16 A. Yes.
- 17 Q. When was that approximately?
- 18 A. I don't remember the date, but I remember the first time
- in Annapolis, Maryland.
- 21 | Q. And what were the circumstances of that encounter?
- 22 A. He made a phone call to me saying he wanted service, so I
- went to the address, and, when I got to the address, he talked
- 24 \parallel to me, and I -- by the voice -- and I recognized that it was
- 25 the same voice that had made the phone calls before.

- 1 Q. Now, were you in your car at the time?
- 2 A. No. I was inside the house.
- 3 Q. And were you with someone?
- 4 A. Yes.
- 5 Q. Who was that?
- 6 A. Female.
- $7 \quad \square$ Q. Do you remember the name of the female?
- 8 A. No.
- 9 Q. Let me ask you: This person -- do you see the person you
- 10 met at that location and spoke to in the courtroom?
- 11 A. Yes.
- 12 Q. Would you point to him.
- 13 A. (Pointing).
- MR. CUNNINGHAM: Your Honor, may the record reflect
- 15 that Mr. Avila has pointed to the Defendant, Mr. Ventura.
- 16 | THE COURT: The record will reflect that
- 17 identification.

- 19 Q. Now, when you were at this location, Mr. Avila, did you
- 20 have any conversation with this Chino at that time?
- 21 A. Yes.
- 22 Q. And what was the nature of that conversation?
- 23 A. He told me if I wasn't scared to be working in that area,
- 24 and I told him, "I wasn't scared of anything," and I asked
- 25 him, "Why?" He said because apparently he used to work in the

- 1 same thing, and he guit because he got shot at.
- 2 Q. Did you have any conversation as to the earlier telephone
- 3 call you had received from Chino?
- 4 A. No.
- 5 Q. At that particular time, did he make any threats to you?
- 6 A. No.
- 7 Q. Did there come a time when you had another encounter with
- 8 Chino?
- 9 A. Yes.
- 10 Q. Where was that?
- 11 A. That was in Wireless, Inc., in Jennifer Shop off Forest
- 12 Drive in Annapolis, Maryland.
- Q. In relation to November 3rd, when you were assaulted, do
- 14 you remember when this contact occurred?
- 15 A. It happened a few months back before that, like about
- 16 three months before that.
- 17 \parallel Q. Now, at the time, were you still working in the sex-
- 18 trafficking business?
- 19 A. Yes.
- 20 Q. And do you remember the -- whether you were alone at the
- 21 time of this encounter?
- 22 A. Yes, I was alone.
- 23 Q. What was the nature of your contact with Chino on that
- 24 occasion?
- 25 A. That day, I was in the store talking to one of the girls

that was actually working there, and he just came in and saw
me there, and he told me he -- well, he told one of the guys
that was with him that, if it was me, the one who had done the
things -- something to the guy, so that's when I came to him,
and I told him, "What was he talking about?"

And he said it was nothing to concern me, and he just left. He was, that day, driving a blue Honda Civic.

- Q. So did he make any threats to you at that time?
- A. No.

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- Q. He was talking to another individual about you, though?
- 11 A. Yeah.
- Q. Now, did you ever have a contact with Chino when you were in the company of a prostitute?
- 14 A. No.
 - Q. Never had one with a woman Isabella?
- A. Oh, yes, sir. With Isabella, we were down in Anita's

 Spanish Grocery, and right next to Cluck-U-Chicken, down in
- 18 Forest Drive, Annapolis, Maryland.
- Q. And was this -- again, in reference to when you were assaulted, do you remember approximately how much time before that?
- A. No. It was -- it was after -- after the -- out in the meeting on Jennifer Shop. Way after that, though.
- Q. Was it after you had received the first phone call from Chino?

A. Yes.

- Q. And what happened on the encounter when you were with Isabella?
- A. I was getting in the car, because I had received a phone call, and I was about to get out of the driveway.
 - Q. Was that a phone call to make a delivery?
 - A. Yes. So I saw a car parked behind me, and I blew my horn, and he wasn't moving, so I stepped out of the car and went to see what was going on. I went around the passenger side to see probably they were talking to some of the guys who were standing outside, and he wasn't, so I came and turned back around toward the driver's side, and he was out of his car, and --
 - Q. Excuse me for interrupting. When you say "he," are you referring to Chino, the man you've identified here?
 - A. Yes. And then he was talking to the girl that was in my car, to Isabella, and he told her that he knew that she was the one who was working with me and that she better leave before something would happen. And then she -- she got scared, and she was nervous and crying. Tears were coming out of her eyes, and then she told me to go drop her off, that she was scared.
- 23 Q. Drop her off where?
 - A. Back home.
- Q. Did she work for you again?

- A. No. Not at that time.
- Q. Did you know if she had previously worked in the sextrafficking business for Chino?
- A. Yes. She told me that she had already worked for him before.
 - Q. And, when you came back, he was speaking directly with her?
 - A. Yes.

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- Q. Did you have any contact with Chino on that occasion? I mean, did you personally speak to him?
- 11 A. Yes.
 - Q. And what was the nature of that contact?
 - A. I told him what was he doing, why was he talking to the girl that was with me, and he told me apparently that me and the Dominican went and robbed him at one of his houses in Easton and the one on ______, and I told him, what was he talking about, and he said that his passenger was the one that told him that I was the one that went and robbed him.

So, at that time, I got close to the window, and I asked the passenger to look at me and see if I was the one that actually went and robbed him, and he stayed quiet. So, at that moment, he acted like he was grabbing something from in between his car seat.

- Q. Now, did you know who that passenger was?
- 25 A. No.

- 1 Q. Had you ever seen him before?
- 2 A. No.
- 3 Q. Did you subsequently have an opportunity to figure out
- 4 who it was?
- 5 A. No.
- Q. Now, do you remember what kind of car Chino was operating
- 7 on this day?
- 8 A. Yes. He was driving a green Ford Expedition.
- 9 Q. And were you able to see inside of the car?
- 10 A. Just a little bit.
- 11 Q. Now, had you received any further telephone calls after
- 12 | the first phone call at which -- when Chino identified himself
- and the first one you described? Do you remember ever getting
- 14 any other phone calls from Chino?
- 15 A. Yeah. I got a lot of phone calls from him.
- 16 Q. Do you remember ever receiving a message from him?
- 17 A. Yes. I remember receiving a picture message.
- 18 MR. CUNNINGHAM: Excuse me one second.
- 20 you had ever received any messages -- voice messages from
- 21 Chino?
- 22 A. Voice messages?
- Q. Did you get any messages on your phone?
- 24 A. Picture messages, yes. I --
- 25 Q. Well, I'm talking about messages that were recorded

- that -- did you ever share any with Freddy Soriano or anyone
 else?
- 3 A. I don't remember.
- 4 Q. Okay. You mentioned that you got text messages from him?
- 5 A. Yeah. Picture message.
- 6 Q. And I'm going to show you now some exhibits. This is
- Government Exhibit 19a/3. Mr. Avila, do you recognize this as
- 8 your phone?
- 9 A. Yes. Yes.
- 10 Q. Do you see the date? Can you see on the screen there the
- 11 date that was -- for this particular image on the cell phone?
- 12 A. Yes.
- 13 \ Q. What's the date?
- 14 A. August 3rd.
- 15 Q. Was there any particular reason why that -- this
- 16 particular image or text was saved in your phone?
- 17 A. Yes.
- 18 Q. And what was that?
- 19 A. I saved it just in case I would need it someday.
- 20 Q. And did you eventually show these images to law
- 21 enforcement officers?
- 22 A. Yes.
- 23 Q. Let me show you now Government Exhibit 19a/4. Is this
- 24 another image on your phone?
- 25 A. Yeah.

- 1 Q. Do you recognize that?
- 2 A. Yes.
- 3 Q. It's kind of hard to see what the -- is there anything
- 4 there associated with that small picture?
- 5 A. Just his phone number and the name I put under it.
- 6 Q. And what was the name you assigned to this particular
- 7 phone number?
- 8 A. 1 Enemy.
- 9 Q. And that was your own description?
- 10 A. Yes.
- 11 Q. Let me show you a little clearer, Government's 19a/5. Is
- 12 this another from your phone?
- 13 A. Yes.
- 14 \ Q. 19a/6, do you recognize that image?
- 15 A. Yes.
- 16 \parallel Q. And can you tell the jury, please: What is that image?
- 17 ■ A. That's a picture I received on August 3rd of a gun on --
- on the Grim Reaper saying -- from Chino, stating that that's
- 19 what he had prepared for me.
- 20 Q. Now, was there any text associated with this particular
- 21 | image?
- 22 A. There was no text with it.
- Q. Okay. Did you ever see this same kind of image on anyone
- 24 else's phone?
- 25 A. Freddy's.

- Q. Do you remember seeing any text on the image associated with this picture on his phone?
- A. No. He never wrote anything down for it. He just made a phone call before he sent the picture saying that that's what he had prepared for us.
- Q. I'm going to show you -- let me show you Government

 Exhibit 15c/6. Can you see on this image there appears to be some Spanish writing under the image on the phone. Can you
- 10 A. Yes.

11 Q. What's that say?

read that?

- 12 A. It says, "For you, Papi." It says, "Whenever I see you,
- 13 I'm going to put one on you."
- Q. And I'm going to show you Government Exhibit 15c/7. Does this appear similar to the image that you received on your
- 16 cell phone?
- 17 A. Yes.
- Q. And there is writing on this one. Can you read what that says?
- 20 A. Yes.
- Q. What's it say?
- 22 A. It says, "You're going to regret it dealing with me, you
- dog." It says, "I kill whenever my little skinny tells me
- 24 to."
- 25 Q. Now, you mentioned that you had received phone calls in

- 1 advance of receiving the text images?
- 2 A. Yes.
- 3 Q. And what was said in advance -- in the phone calls in
- 4 advance of the text messages?
- 5 A. Sorry. What was that now?
- 6 Q. I'm sorry. What was said during the telephone calls?
- 7 A. Oh, that's what he had prepared for me.
- 8 Q. And, finally, Government Exhibit 19a/7, is this, again,
- 9 another photo of this image you received by text?
- 10 A. Yes.
- 11 Q. And did you save these on the date that you received
- 12 them?
- 13 A. Yes.
- 14 Q. Did you recognize the statue or the thing on which the
- gun appeared to be resting in those images?
- 16 A. Yes.
- 17 Q. And what was that again?
- 18 A. We call it a Santa Muerte, which means the Grim Reaper.
- 19 Q. In any of your face-to-face meetings with Chino, did he
- 20 ever reference or say anything about Santa Muerte?
- 21 \blacksquare A. He just -- I remember him saying one time that he
- 22 believed in that, and that that was what was going -- was God
- 23 was guiding him.
- 24 \parallel Q. Now, I want to talk to you about the incident on
- 25 November 3rd, 2010. Do you recall having received any kind of

calls from Chino in the immediate time frame before the assault?

A. No, not that date.

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- Q. How did the assault occur?
- A. I received a phone call from somebody saying he wanted service, and I was to the address on Forest Drive -- Fairfax Road and Forest Drive. So I went to Fairfax Road, and, when I got there, there was nobody in the address they gave me, so I called back, and they came up to the car, and they told me it was a little bit back into Forest Drive -- I mean, Fairfax Road. So I drove on reverse going back until the guy told me to stop, and I stopped, and he moved out of the way and told -- another guy came in front, pointing at me with a gun telling me that -- to give him my money.
- Q. Okay. Did you know the individuals who pointed the gun at you and tried to rob you?
 - A. Not at that time. Two of them were actually wearing a black ski mask. One of them was actually -- had his face uncovered, the one who made the phone call.
- Q. Now, you actually tried to resist the robbery; did you not?
- 22 A. Yes.
- Q. And you ended up in a confrontation with a couple of the guys?
- 25 A. Yes.

Q. And did you end up having one of the guys -- having essentially your arm around one of the guys with a knife in your hand?

A. Yes.

Q. And what happened at that point?

A. Well, before I actually went -- let me start from when he actually pointed the gun at me. They pointed a shotgun at me, so I still had my car in drive. I managed to grab the shotgun, lift it up, and accelerate. So I left out on Fairfax Road. I made a left turn. There was a little market, Spanish market, which is Anita's Spanish Grocery, and Cluck-U-Chicken right out of that Fairfax Road. So I went into there and then grabbed one of the knives from the kitchen in front of Cluck-U-Chicken, because the people in there knew me, so I went in there grabbed a knife and left in another car, so they were coming out of the Forest Road -- Fairfax Road.

I came out of the car and were in tow with him. I grabbed one of the guys from the neck and put my knife around him, and I asked him why he wanted to rob me. At that time, one of them -- the other guy who was -- who was -- who I didn't have the neck, came and took his shotgun out and pointed at me, told me to let go of his friend or otherwise he was going to kill me.

At that time, I was mad, so I told him, go ahead and shoot me; if you shoot me, I was going to kill the other quy.

- So the guy got nervous and hit me with the barrel of the shotgun on the side of my eyebrow, which I got stitches out on my eyebrow.
- Q. I'm going to show you Government Exhibit 19a/1. Is this a picture of you the night of November 3rd, 2010?
 - A. Yes.

- Q. And is that where you -- you got cut as a result of this encounter?
- 9 A. Yes.
- 10 Q. And here is just a follow-up, Government Exhibit 19a/2.
- 11 You said you got some stitches in that -- the cut?
- 12 A. Yes.
- Q. And, after you got hit with the -- was it with the butt of the shotgun that you got hit?
- 15 A. It was with the barrel.
- Q. And, after you got hit, did you release the guy who you had your arm around his neck?
- 18 A. Yes.
- 19 Q. And, at that point in time, did this encounter break up?
- A. Yeah. They ended up running -- running away, and I ended
- 21 up throwing my knife at them, but I didn't hit none of them,
- 22 so --
- Q. I'm going to show you Government Exhibit 19a/10. Let me
- orient this. Does that look like the gun they used to assault
- 25 you?

- 1 A. Yes.
- 2 Q. And then you said, at the time of this incident, you did
- 3 not know any of the three men who assaulted you, right?
- 4 A. I did not.
- 5 Q. Did you have any idea that you were going to get
- 6 assaulted that night?
- 7 A. No.
- Q. And, after the assault, did you come to be in the custody
- 9 of the police?
- 10 \parallel A. Yes. I went actually to -- down to the station to talk
- 11 | to Detective Hartlove.
- 12 Q. Did you know Detective Hartlove prior to that night?
- 13 A. Yes.
- 14 Q. How did you know him?
- 15 A. I had been in touch with him a few times over the phone.
- 16 \parallel Q. Was there a reason you had been in touch with him before?
- 17 A. Yes. Freddy actually gave him my number, because Freddy
- 18 was talking to him about this case, so he ended up calling me.
- 19 Q. So Freddy gave him your number?
- 20 A. Yes.
- 21 \blacksquare Q. And Detective Hartlove had previously spoken to you?
- 22 A. Yes.
- 23 Q. So, the night that this assault occurred, did you call
- 24 Detective Hartlove?
- 25 A. Yes.

- 1 Q. And, after calling him, what did you do?
 - A. I went down to the station and talked to him.
- 3 Q. Do you remember about what time this whole incident
- 4 occurred?

- 5 A. It was like around -- like around 10:00, somewhere around
- 6 that time.
- 7 Q. Was it dark?
- 8 A. Yeah, it was dark.
- 9 Q. And the Fairfax Road -- the location, or I guess close to
- 10 the Anita's Market was where this incident occurred?
- 11 A. Yes.
- 12 Q. And about how far is that location from where the
- 13 Annapolis Police Department is?
- 14 A. Driving, it's like about five minutes away. Five, six
- 15 minutes away.
- 16 Q. And is Anita's Market and Cluck-U-Chicken -- are they
- 17 | located in the vicinity of the West Street corridor?
- 18 A. No. It's Chinquapin Road.
- 19 Q. Chinquapin. And Chinquapin actually intersects West
- 20 Street; is that right?
- 21 A. It ends up turning into West Street.
- 22 | Q. So it just took you a few minutes to -- did you drive
- 23 yourself to the police station?
- 24 A. Yes.
- 25 Q. And, once you got to the police station, did you give

Detective Hartlove the account that you've provided to the 1 2 jury? 3 Α. Yes. Now, did anything happen while you were at the police 4 station? 5 I received a few phone calls from Chino. 6 Α. Yes. 7 And at least some of these phone calls were recorded; is Ο. 8 that right? 9 Α. Yes. 10 0. Do you remember if -- well, first of all, you've listened 11 to a couple of these phone calls, correct? 12 Α. Yes. 13 MR. CUNNINGHAM: I'm going to play at this point in 14 time -- one moment, Your Honor. Your Honor, I'd like to play 15 a recording, and I have a transcript I'd request permission to 16 publish to the jury. 17 **THE COURT:** What are the exhibit numbers? 18 MR. CUNNINGHAM: The exhibit numbers, Your Honor, 19 are Government Exhibit 40b/2A and b/2B. They're two short 20 phone calls that have been recorded. I would play Government Exhibit 40b/2A first. 21 22 THE COURT: Members of the jury, you're going to be 23 given transcripts of the recordings you're about to hear. The 24 evidence is the actual recording. The transcript is given to

you to assist you in understanding the recording. If there is

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1
       any difference between what you read on the transcript and
 2
       what you hear in the recording, the evidence is what you hear,
 3
       not what you read.
                 (Whereupon, an audio recording was played.)
 4
 5
                 THE COURT: Is there a transcript for me?
                 MR. CUNNINGHAM: I apologize, Your Honor.
 6
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                 THE REPORTER: And if you have an extra one.
 8
                 THE COURT: For the reporter as well.
 9
                 (Whereupon, an audio recording was played.)
10
       BY MR. CUNNINGHAM:
11
            Mr. Avila, was that -- do you recognize your voice --
       0.
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            Yes.
       Α.
13
            -- on that?
14
                 And did you recognize the voice of the person who
15
       called you?
16
       Α.
            Yes.
            Was this the same Chino that had previously called you on
17
18
       the phone?
19
       Α.
            Yes.
20
            And you had earlier said that, prior to the assault, you
21
       had not had any conversation with him or in the preceding days
22
       indicating you were about to be assaulted, right?
23
            Yes.
       Α.
24
            Now, were there a number of additional phone calls placed
25
       to you that night?
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- There was a lot of phone calls made. 1 2 And did you place any phone calls or attempt to place any 3 phone calls to Chino? As far as I remember, no. 4 Α. 5 Now, when the phone calls came in to your cell phone, did Q. it -- like some phones can show if a call is coming in to a 6 7 number saved in a contact list. Did yours do that? 8 Yes. Α. 9 And did it show you that the calls were being received 10 from the person you had saved as "ENE 1" with the 3124 number? 11 Α. Yes. 12 And, when the phone calls were received by you, did you 13 recognize the voice of Chino, the man you pointed to? 14 Α. Yes. 15 MR. CUNNINGHAM: Your Honor, at this time, I would 16 ask to publish to the jury a transcript for Government Exhibit 40b/2B. 17 18 THE COURT: You may. 19 MR. CUNNINGHAM: May I approach, Your Honor? 20 THE COURT: Yes, please. 21 (Whereupon, an audio recording was played.) 22 BY MR. CUNNINGHAM: 23
 - Q. Like the last recording, Mr. Avila, do you recognize your voice on there?
- 25 A. Yes.

- Q. And was that the same person that you had been speaking to in the previous recorded --
 - A. Yes.

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Q. -- conversation?

And, now, there is reference in here to paying rent. In some of the other calls that you had received, which we're not going to play now, had the person who called you said something about paying money to him?

- A. I'm sorry. When? When that phone call was made, or --
- Q. Well, we haven't played all the phone calls you received that night, right?
- 12 A. Yes.
- Q. And we're not going to play them here, but what I want to know is: Prior to this phone call, had you received -- in one of the previous -- preceding phone calls, had Chino said anything about paying rent or paying money to him?
 - A. No, not before that.
- Q. Okay. In this phone call, there is a reference to paying rent and paying money. Do you know what -- what he wanted money for?
 - A. Yeah. You see, there is rent -- "rent" means for protection, and there is nothing going to happen to your business or to you.
 - Q. Now, had you ever had to pay rent to anyone before to continue operating in the sex-trafficking business in

Annapolis?

A. No.

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- 3 Q. There is reference to the -- that you had a house on or
- 4 | near Safeway. Did you at the time live in some close
- 5 proximity to Safeway?
- 6 A. Yes. My mother's house.
- Q. And did you go to and from your mother's house on
- 8 cccasion?
- 9 A. Yes. I was living there at that time.
- 10 Q. Do you remember approximately how many different phone
- calls that you got the night of November 3rd, 2010, when you
- were at the police station, approximately?
- A. No, I can't remember how much, but it was more than five
- phone calls. It was about eight to ten phone calls.
- 15 Q. And did most of the phone calls have the same kind of
- 16 conversation?
- 17 A. Most of them, but another one -- another -- some of them
- 18 were just him acting dumb on some of the calls.
- 19 \parallel Q. Now, as a result of the incident on November 3rd of 2010,
- 20 did you do anything different as far as your work?
- 21 A. I'm sorry. What was --
- 22 Q. Well, did you continue to work in the sex-trafficking
- 23 business?
- 24 | A. I continued to work for a little while even though what
- 25 was going on. I still worked for a while. Then I guit after

1 that. 2 And, when you were continuing to work, did you still 3 associate with Freddy Soriano? No. I was on my own. 4 Α. 5 And did Isabella, the woman who was with you when you had the encounter with Chino -- I guess that was at Anita's 6 7 Market -- did she ever come back and work for you? 8 No, not at that point. She came back to work with me one Α. 9 time after he got locked up. 10 MR. CUNNINGHAM: May I have one moment, Your Honor? 11 THE COURT: Yes. 12 MR. CUNNINGHAM: No further questions of Mr. Avila, 13 Your Honor. 14 THE COURT: Cross? 15 MR. RUTER: Thank you, Your Honor. 16 CROSS-EXAMINATION BY MR. RUTER: 17 18 Good morning, Mr. Avila. Q. 19 Good morning. Α. 20 Mr. Avila, you entered the country legally with your mom Q. 21 and dad some 14 years ago; is that right? 22 I didn't come -- I didn't come here illegally. I came

Q. Yeah. You came here legally with your mom and dad?

23

25

legally.

A. Yes. My mother came in first, though. She came back in

- 1 like '93.
- Q. Okay. And, other than one visit back home in 2001,
- 3 you've been in the United States consistently since you
- 4 | entered at approximately age eight; is that also correct?
- 5 A. Yes.
- 6 Q. You are here currently on a work permit status; is that
- 7 also correct?
- 8 A. Yes.
- 9 Q. When did you receive that status?
- 10 A. That was back in 2001 when they gave us the chance to
- 11 apply for it.
- 12 Q. When you say "they," that's U.S. Immigration?
- 13 A. Yeah. U.S. Immigration gave us the chance to -- for
- 14 | El Salvadoran people to apply for a temporary work permit.
- 15 Q. And what is your understanding as to what "temporary"
- 16 means?
- 17 A. "Temporary" means for one -- it's good for one year.
- 18 You've got to renew it every year.
- 19 \blacksquare Q. And did you do that every year, ask for renewal?
- 20 A. Yes, sir.
- 21 Q. Okay. And, as Mr. Cunningham asked you, because of the
- 22 problems you've had with the law, you've -- that's now in
- 23 jeopardy. Do I understand that correct?
- 24 A. Yes.
- 25 Q. Is it your goal to stay in this country?

- 1 A. I would love to stay, but it's not up to me, you know?
- Q. And who is it up to? Do you know?
- 3 A. To Immigration. To Homeland Security.
- 4 Q. Okay. Have you had any discussions with Mr. Cunningham
- 5 or Ms. Yasser or Special Agent Kelly or Detective Hartlove
- 6 concerning whether or not they would perhaps try to help you
- 7 stay in this country beyond you being here today?
- 8 A. No.
- 9 Q. Okay. Was it your intention to ask them for assistance
- 10 as a result of your cooperation here today to permit you to
- 11 stay in the country?
- 12 A. No.
- 13 Q. You were found guilty of identity theft and fraud in
- 14 Virginia; is that right?
- 15 A. Yes.
- 16 Q. And what year did that happen?
- 17 A. This happened last year.
- 18 Q. Just last year?
- 19 A. Yeah.
- 20 Q. Okay. And can you tell us: Did you actually steal
- 21 somebody's identity -- an actual person's identity?
- 22 A. No.
- 23 Q. What exactly happened, then? Why were you found guilty
- 24 of identity theft?
- 25 A. I gave another name to a police officer.

- 1 Q. You didn't use your name; you used somebody else's name?
- 2 A. I used somebody else's name.
- 3 Q. And what name was that?
- 4 | A. That was the beginning of 2012. I can't really remember.
- 5 I think it was like around March of 2012.
- 6 Q. Okay. And what was the reason that you had come into
- 7 contact with a police officer to begin with?
- 8 A. I was pulled over because there was a child standing in
- 9 the back seat in my car.
- 10 Q. Of your vehicle?
- 11 A. Yes.
- 12 Q. The child should have been, I guess, seat belted in?
- 13 A. Yes.
- 14 Q. Okay. And, rather than give the police officer your real
- 15 name, you gave him some other name?
- 16 A. Yes.
- 17 | Q. Did you present him with a driver's license?
- 18 A. No.
- 19 Q. Did you have a driver's license?
- 20 A. No, not at that time. I was suspended.
- 21 \blacksquare Q. Did you present him with any form of identification?
- 22 A. No.
- 23 Q. You also said you were found guilty of fraud. Was that
- 24 \parallel the same incident when you were stopped by the police officer?
- 25 A. Same incident.

- 1 0. The same incident?
- 2 A. Yes.
- 3 Q. Do you know what you did that caused you to be found
- 4 guilty of fraud?
- 5 A. I gave him another name, which that's what they charged
- 6 me with.
- 7 Q. So it's your understanding, then, that you were found
- 8 guilty of identity theft and fraud because you gave a police
- 9 officer the wrong name?
- 10 A. Yes.
- 11 Q. Okay. You indicated that you had worked as a busboy in
- 12 Annapolis for some period of time, and then you left that job;
- is that right?
- 14 A. Yes.
- 15 Q. You said you left the job because you had some kind of
- 16 problems with your manager.
- 17 A. Yes.
- 18 Q. Can you tell us what those problems were, please.
- A. He kept like being on my back too much, so I wasn't like
- 20 that, because, for any little reason, he would tell me, "Don't
- 21 do this. This is not how it's done," but he wouldn't say it
- 22 in a right way. He would like get mad and write me up for it,
- 23 so, you know, I decided to quit.
- 25 A. Yes.

- 1 Q. And were you being paid by him?
 - A. Yes, I was being paid.
- 3 Q. Was it by the hour?
- 4 A. Yes.

- 5 Q. What was your hourly wage?
- 6 A. \$3 an hour plus tip.
- 7 Q. I'm sorry?
- 8 A. \$3 an hour plus tip.
- 9 Q. Okay. Can you recall how much money you'd make on a
- 10 given week?
- 11 A. In a week, I would probably make between 500 and \$600.
- 12 Q. And most of that would be in the form of cash tips?
- 13 A. Yes.
- 14 Q. Okay. And, at that time, were you living with your
- 15 parents?
- 16 A. Yes, sir.
- 17 | Q. And then you left there because you didn't like the way
- 18 you were treated. Then you went to Pizza Boli; is that right?
- 19 A. Yes.
- Q. And you worked there for some two years?
- 21 A. Yes.
- 22 Q. And you were paid at Pizza Boli's; is that right?
- 23 A. Yes.
- Q. By paycheck?
- 25 A. Yes.

- 1 | Q. Was it an hourly rate?
- 2 A. Yes.
- 3 Q. What was your hourly rate?
- 4 A. \$9 an hour.
- 5 Q. Okay. And were you like a line cook?
- A. I was a prep -- making pizzas and subs, and I was being cashier.
- 8 Q. Okay. And that was a full-time job?
- 9 A. Yes.
- 10 Q. And you were still living with your parents?
- 11 A. Yes.
- 12 Q. And you quit that job?
- 13 A. Yes.
- 14 Q. Because you had problems with your manager?
- 15 A. Yes, sir.
- Q. And what kind of problems did you have with your manager?
- 17 A. I had problems actually with his cousin. His cousin was
- 18 | like a person that would talk bad to all employees, so one day
- 19 \parallel he came at me. We started arguing, and he said that, if I
- 20 kept talking back to him, he was going to slap me, so I dared
- 21 him to, and we got in an argument, and then his cousin, which
- 22 was store manager, told me like why wasn't I picking up the
- 23 phone, things like that, and made me mad, so I just decided to
- 24 quit.
- 25 Q. Okay. Do I understand that you said that he threatened

- 1 to slap you?
- 2 A. Yeah.
- Q. And then you responded by saying, "Go ahead and slap me"?
- 4 A. Yeah.
- 5 Q. Did it result in a slap?
- 6 A. No.
- 7 Q. And then you decided after two years to leave that job?
- 8 A. Yeah.
- 9 Q. Okay. Now, when you left that job, did you know anything
- 10 at all about the prostitution business in and around
- 11 Annapolis?
- 12 A. No, not at that time.
- 13 Q. Okay. Did you know that there was a prostitution
- 14 business that was in existence in and around Annapolis?
- 15 A. I knew there was delivery in a house in Annapolis.
- 16 Q. And how did you know that?
- 17 A. One of my friends.
- 18 Q. And what's your friend's name?
- 19 A. William.
- 20 Q. And was William involved in the business?
- 21 A. No. He was just a customer.
- 22 Q. And had you ever been a customer in the prostitution
- 23 business before you became involved in the prostitution
- 24 business?
- 25 A. Yes. Went once to your client's house.

- 1 Q. Okay. And which place was that?
- 2 A. That was at
- 3 Q. And, when you went there, you went there for the purpose
- 4 of having a prostitution service?
- 5 A. Yeah.
- 6 Q. Okay. Now, you became involved, you said, with a man
- 7 named Freddy Soriano.
- 8 A. Yes.
- 9 Q. So we understand, then, that he was involved in the
- 10 prostitution business; is that right?
- 11 A. Yes.
- 12 | Q. Do you know how long he had been involved in
- 13 prostitution?
- 14 \blacksquare A. By what he told me, he told me he was in there for
- 15 like -- for like three years, working.
- 16 \parallel Q. And I know that dates elude you, which is understandable,
- 17 | but can you recall what year it would have been that you
- 18 started working for Freddy Soriano in the prostitution
- 19 business?
- 20 A. Like about 2009, around then.
- 21 | Q. Okay. And so you understood by talking to Mr. Soriano
- 22 that he had been in the business for a few years prior to your
- 23 being involved in the business; is that right?
- 24 A. Yes.
- 25 Q. When you first began working for him, had you known

- 1 anyone who worked with Freddy?
- 2 A. With Freddy? No.
- 3 Q. Yes. Or for Freddy?
- 4 A. For Freddy, no, but I -- like later in that time, when I
- 5 was working with him, he brought a person in to me that he
- 6 said that had worked with him, which was a Mexican guy.
 - Q. Okay. Do you recall that person's name?
- 8 A. Orlando.

- 9 Q. Orlando? All right.
- 10 And did you understand that Mr. Soriano had females
- 11 that he regularly used to help support his prostitution
- 12 business?
- 13 A. Yes.
- 14 Q. And how many women did he have when you first began
- working with him in approximately 2009? Do you recall?
- 16 A. Like how many he had in, what, contact?
- 17 | Q. Yes. How many women would he use in his prostitution
- 18 business?
- 19 A. One a week.
- 20 Q. So he had one woman that he would have per week to work
- 21 with him?
- 22 A. Yeah. Different every week, one for a whole week.
- Q. And then the next week, what would happen?
- 24 A. A different female would come to work.
- 25 Q. And do you know why that was, sir?

- A. Yeah. Because there was a change of females because

 customers weren't going to repeat the same female every day,

 every week.
 - Q. Okay. And you knew that because you spoke with
- 5 Mr. Soriano about how the business operated; is that a fair
- 6 statement?

- 7 A. Yes.
- 8 Q. Okay. You worked with Mr. Soriano approximately how
- 9 long, Mr. Avila, before you separated from him?
- 10 \blacksquare A. Approximately -- like about ten months to a year.
- 11 Q. Okay. And did you work for him, shall we say, on a
- 12 | full-time basis?
- A. Yeah. I worked for him every day from 5:00 to like 12:00
- 14 or 1:00 a.m.
- 15 Q. All right. And were you still living at home?
- 16 A. Whose home?
- 18 A. Yeah. At that time, yeah.
- 19 Q. Okay. And it was your job, if I understand it, to
- 20 transport the women from place to place --
- 21 A. Yes.
- 22 | 0. -- is that right?
- During that approximately one year when you worked
- for him, could you give us a fair estimate as to how many
- women you worked with -- you and Mr. Soriano?

- 1 A. I can't -- I can't calculate. It was too many.
- 2 Q. Just a large number?
- 3 A. Yeah. Large number.
- 4 Q. Can you tell us whether they were all Hispanics, or were
- 5 there some non-Hispanics?
- 6 A. Dominicans, Puerto Ricans, Salvadoran, Hondurans,
- 7 Mexicans.
- 8 \parallel Q. Did you come to learn whether or not all or most or some
- 9 of the ladies that you worked with were here illegally?
- 10 A. Yeah. Some of them were.
- 11 | Q. Were --
- 12 A. Illegally.
- 13 Q. Illegal? Okay.
- 14 A. Yeah.
- 15 Q. Did you learn from speaking with the ladies, Mr. Avila,
- 16 why it was that they were prostituting themselves?
- 17 A. Yes.
- 18 Q. And why was that?
- 19 A. Because they needed money. They needed money to support
- 20 their family.
- 21 Q. Okay. And was it kind of a practice, to your
- recollection, that a lot of the ladies who worked for money
- would send money back to their home country?
- 24 A. Yes.
- 25 Q. Can you tell us, as a general rule, whether or not you

could tell by interacting with these women that they enjoyed 1 2 or did not enjoy working in prostitution? 3 MR. CUNNINGHAM: Objection, Your Honor. THE COURT: Overruled. 4 THE WITNESS: A lot of them told me that they didn't 5 like doing what they did, but they did it because they needed 6 7 the money to support their family. 8 BY MR. RUTER: 9 Now, on a given week, Mr. Avila, did you work Monday and Q. 10 Tuesday? 11 Monday through Saturday. 12 Okay. Monday through Saturday. Sunday was a day off; is 13 that correct? 14 Α. Yes. 15 Now, do I also understand from your direct testimony that Q. 16 it was you who approached Mr. Soriano about possibly working for him? 17 18 Α. Yes. 19 And do we also understand that the reason you knew he was 20 in the business was because there was some kind of business 21 cards that were in various stores that you could actually pick

You couldn't just pick them up in a store and just be

Okay. How was it again that you knew that Mr. Soriano

like, "Oh, yeah, this is a business card," no.

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up and see?

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- was in the business?
- 2 A. By a friend of mine. He was a customer.
- 3 Q. Okay. And did he give you a card, or a number, or did he
- 4 introduce you to Freddy?
- 5 A. No. He called him once to the house where we actually
- 6 called down for service, and I managed to see his face, so,
- 7 | when I saw him again in the store, I offered him to work with
- 8 him.

- 9 Q. Okay. And he accepted?
- 10 A. Yeah.
- 11 Q. Can you tell us: What was the financial -- you told us
- 12 | the financial arrangement was that you got one half of his
- fee, and then he got the other half of his fee?
- 14 A. Yes. It was half and half.
- 15 Q. Okay. And you also told us that the full amount that a
- 16 ustomer would have to pay was \$30 per encounter with a
- 17 prostitute?
- 18 A. Yes. For 15 minutes.
- 19 Q. Okay. And I would assume that the lady herself did
- 20 receive part of that \$30; did she not?
- 21 A. Yes. She would receive half.
- 22 Q. How much -- I'm sorry?
- 23 A. Half.
- 24 \parallel Q. So you would receive one quarter, and he would receive
- 25 one quarter?

- 1 A. Yes.
- 2 Q. Okay. You indicated that, at first, Freddy did not pay
- 3 you because he was having financial problems; is that
- 4 accurate?
- 5 A. Yes.
- 6 Q. How long was that that you worked for Freddy and he was
- 7 not able to pay?
- 8 A. It was for like about six months.
- 9 Q. Okay. So that job at Pizza Boli's was looking pretty
- 10 good, wasn't it?
- 11 A. Yeah.
- 12 Q. Okay. And can you tell us why it was that you would have
- worked for six months, you know, for free?
- 14 | A. Because I was helping him out at that time, and I didn't
- 15 have any -- anything else to do. I didn't have another job,
- 16 and, either way, it was like helping me out still like every
- 17 | like -- at least to pay my rent, even though he wasn't giving
- me half of what he was supposed to.
- 19 Q. Okay. And, for that six months, you were going out six
- 20 afternoons and evenings per week?
- 21 A. Yes.
- 22 Q. Could you tell us this, Mr. Avila: Which evenings were
- 23 busier for -- typically for you and the women that you were
- 24 working with? Was it Monday, Tuesday, Wednesday, Thursday,
- 25 Friday, or Saturday?

- 1 A. Monday, Friday, Saturday.
- 2 Q. Monday, Friday, and Saturday?
- 3 A. Yes.
- 4 Q. And could you tell us, on a typical Monday, how many
- 5 stops you would make for the women -- woman that you were
- 6 working with?
 - A. About 20.
- 8 Q. And you would take a woman from one location to the next,
- 9 to the next; is that an accurate statement?
- 10 A. Yes.

- 11 Q. Okay. Would there be any times when that woman might
- 12 have some sexual encounter with more than one man at one
- 13 place?
- 14 A. Yes.
- 15 Q. And how would you know that?
- 16 A. By the time she would spend in there and by the amount of
- money she would bring back.
- 18 Q. Okay. And how could you be sure how many women -- how
- 19 many men she had seen when she came back in the vehicle? You
- 20 stayed in the vehicle, didn't you?
- 21 \blacksquare A. Not at all times. There was a few houses where I would
- 22 \parallel go in there, because they knew me as the business -- that I
- 23 was working in the business, so they would just let me in
- 24 their house.
- 25 Q. And, when you say "they," Mr. Avila, that, we're talking

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about the customers themselves?
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A. Yes.

- 3 Q. Okay. And, after this, you did get paid -- after several
- 4 months, you did get paid?
- 5 A. Yes.
- 6 Q. You told the jurors that the reason that you and
- 7 Mr. Soriano parted ways was because, in your view, he was
- 8 getting into too much trouble; is that what you said?
- 9 A. Yes.
- 10 Q. Was that police trouble?
- 11 A. Yes.
- 12 Q. And what does that mean?
- 13 A. He was -- how you say it? He would look for too many
- 14 problems even though he knew we were doing something illegal,
- so I wasn't a person that would like actually getting in too
- 16 | many problems doing something like that, so, after him being
- 17 | locked up so many times, getting locked up and me baling him
- 18 out, I decided to just let him out.
- 19 Q. Okay. Now, Mr. Avila, I apologize. I didn't understand
- 20 the first part of what you had said. Would -- the problems he
- 21 got in, you're talking about, are being arrested by the
- 22 police?
- 23 A. Yes.
- 24 Q. Okay. And were all those prostitution-related?
- 25 A. No.

- Q. What other kinds of things happened that caused -- when
- 2 he got arrested that would cause you not to want to be with
- 3 him any longer?
- 4 A. It was like him driving without a license. Also, there
- 5 was another one where he assaulted a police officer, and
- 6 things like that, you know, just got him in trouble.
- 7 Q. Okay. And you thought to stay with him may expose
- 8 yourself to problems; is that correct?
- 9 A. Yes.
- 10 Q. And we understand that what happened was you decided to
- 11 separate from him?
- 12 A. Yes.
- 13 Q. Did you guys have any discussions before you left him?
- 14 □ Did you say, "I'm going to leave and do my own --"
- 15 A. Yeah. When he got out of jail again, he told me that --
- 16 and if we were still going to work together, and I told him,
- "No," and each one work by himself.
- 18 Q. And, to your knowledge, was he still working while --
- 19 when he got out of jail, did he go back in the business, to
- 20 your knowledge?
- 21 A. Yeah. He went back to the business.
- 22 Q. Okay. And you were still in the business by yourself
- 23 while he was in jail, correct?
- 24 | A. No. While he was in jail -- well, I was only -- well, my
- 25 car broke up, so I was actually -- I stayed without working

- for like a month, which was what he was locked up for, like a month and a half.
- Q. Okay. Now, during that month, month and a half, did you
- 4 have any contact with any of the females that you were working
- 5 with?

- A. Yes.
- 7 Q. And they were still looking for work, weren't they?
- 8 A. Yes.
- 9 Q. Okay. They were calling you asking, "When are you going
- 10 to come by and pick me up?"
- 11 A. No. I called them and told them I needed some help.
- 12 Q. And what do you mean by that?
- 13 A. That I didn't have anybody that would help me work in
- 14 Annapolis, so they said they were willing to help me out.
- 15 Q. And how did they help you out?
- 16 A. By coming to work with me.
- 17 | Q. Okay. Were any of these the same girls that had worked
- 18 with you when you were Mr. Soriano's partner?
- 19 A. Yes.
- 20 Q. And can you recall approximately how many of those girls
- 21 worked with you solely but had previously worked with you and
- 22 Mr. Soriano when you were partners?
- 23 A. Like about five of them.
- 24 Q. Okay. Mr. Avila, if you worked with so many ladies that
- 25 you can't give us a number -- and I understand that -- do you

- know where they went when you had them for one week and then
 they -- you didn't use them again for some period of time?

 Where did they go, to your knowledge?
 - A. I don't know. Work somewhere else.
- 5 Q. And how do you know that?

they would go their route.

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- A. Because I'm pretty sure that's what they did. They would say they would go to go work somewhere else, but that was it.

 When my job was done on -- was finished on a Saturday night with them, I would go and drop them off to a Greyhound where
- Q. Okay. Did you ever come to learn that, with some of these ladies, after you might use them for a week, that they may end up working for Chino or working with Chino?
 - A. Pretty sure one of -- a few of them did actually go work with him.
 - Q. A few of them did?
 - A. Yeah, pretty sure.
- Q. And then, after they would go back and work with him,
 isn't it true that they would turn around and then spend a
 week with you again, maybe a month or two or three months down
 the line?
 - A. Maybe.
- Q. And then, after they worked with you for a week, then
 they would go -- they'd leave again. You wouldn't see them
 again for some while; is that right?

A. Yeah.

- 2 Q. When that happens, how is it that you contact them, or
- 3 how was it that they contact you after you haven't seen them
- 4 for maybe a few weeks?
- 5 A. By their number. Their cell phone.
- Q. Okay. And would you call them, or would they call you
- 7 typically?
- 8 A. If I would have needed help, then I would call them. If
- 9 they would need to work, they would call me.
- 10 Q. Okay. Did you ever call any of them -- think carefully.
- 11 Did you ever call any of them and they advise you that they
- 12 couldn't come at the time because they were, in fact, working
- for Chino? Can you recall such a time for any of them?
- 14 A. That they were working for Chino?
- 15 Q. Yes.
- 16 A. I remember one of them telling me that they worked with
- 17 | him, but not that they were working at that point.
- 18 Q. At that point. Okay.
- 19 Now, let me ask you this: You know for a fact that
- 20 all the girls worked from Monday through Saturday in the sex
- 21 | trade in Annapolis; is that a fair statement?
- 22 A. Yeah.
- 23 Q. Okay. And that's because you knew that, as to all the
- 24 girls, on Sundays, typically they are -- they have the day
- 25 off, and they're just attending to their personal affairs;

isn't that true?

- A. Yeah, or would be switch day.
- Q. Yeah. Switch day, meaning they would go from Point A, if
- 4 they were inside of a brothel, to Point B, correct?
- 5 A. Uh-huh.

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- Q. Is that right? Is that right, sir?
- A. They would go -- I don't know where they would go. They would go wherever they would actually -- wanted to.
 - Q. Yes. Okay. Understood.

I want to review these contacts that you had with Chino here. If we understand it, the first time that you may have had any communication with him before you were assaulted on November 3rd, 2010 was perhaps the summer that -- earlier that summer, is that right, or the summer before?

- A. That summer.
 - Q. Okay. So are we sure that the communications -- the first communication between you and Chino occurred in the month of May or June or July of 2010?
- A. It occurred sometime in the summer, in the warm weather, because, at that time, I was still wearing a T-shirt. I wasn't wearing a sweater during that time.
- Q. Okay. And you said that, during that -- if I understand it, the phone call that you received from him, which was a first communication by phone, is that right, between you two?
- 25 \blacksquare A. (Witness nodding head in the affirmative.)

1 THE REPORTER: I need an answer if --2 MR. RUTER: You need to say "yes" and "no" so the 3 reporter can --THE WITNESS: Yes. 4 5 MR. RUTER: Okay. BY MR. RUTER: 6 7 And you said that your recollection was that the person Ο. 8 who identified himself as Chino said that he wanted the, 9 quote -- the Dominican out, end quote; is that right? 10 That he wanted nobody more in the area. He wanted me 11 out. He wanted the Dominican out. He wanted no competition 12 in the area. 13 Okay. And, yet, you testified that the Dominican was 14 already in the trade for at least three years before you ever 15 met him -- before you ever met anybody, right? 16 He was already in there. 17 Q. Yeah. And you said that Chino said that somebody was, 18 quote, getting hot, end quote. 19 Α. Yeah. 20 Did you say -- what did that mean? Q. 21 The area was getting hot. Α. 22 Was getting hot? Q. 23 Yeah. Α. 24 Q. What does that mean to you?

That, soon enough, the police was going to end up

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Α.

- 1 catching and -- catching up with us.
- 2 Q. Okay.
- 3 A. Him and with us.
- 4 Q. I see. But the police already had caught up with Freddy,
- 5 | hadn't they? He's getting arrested?
- 6 A. He's getting arrested --
- 7 Q. So much so that you had to leave him?
- 8 A. -- but he was getting arrested for some other things, not
- 9 for prostitution.
- 10 Q. Okay. And then you actually met him -- we don't know
- 11 when, but sometime later, you met him at
- 12
- 13 A. Who? Chino?
- 14 Q. Chino.
- 15 A. Yes.
- 16 Q. And you met him after he called you asking for a woman?
- 17 A. Uh-huh.
- 18 Q. And you arrived?
- 19 A. Yes.
- Q. With a woman?
- 21 A. Yes.
- 22 Q. Okay. And it was during this time that you guys had a
- conversation. Was that inside the house, or was it outside
- 24 the house?
- 25 A. Inside the house.

- Q. So did you take the lady inside with you, or did she stay out in the vehicle?
 - A. No. I took her inside.
- 4 Q. Okay. And that's where you spoke to Chino, and you met
- 5 him for the first time face to face?
- A. Yes.

- 7 | Q. Okay. At that time, there were no threats made to you?
- 8 A. No.
- 9 Q. And, at that time, it was apparent to Chino that you were
- 10 involved in the prostitution business; is that a fair
- 11 statement?
- 12 A. Yes.
- 13 Q. And, after a brief conversation, you just left?
- 14 A. After that conversation that I had with him, I had left
- 15 to went into the car.
- 16 Q. And then you left?
- 17 \parallel A. I just waited there until the girl was actually done.
- 18 Q. Done with who?
- 19 A. With the service. She passed one guy first. Then he
- 20 asked me if he could pass with her, and I said I didn't mind,
- 21 so I told him, yeah, and then, when he went into the room, I
- 22 went outside to the car.
- Q. Okay. So he calls for sex; is that right?
- 24 A. Uh-huh.
- 25 | THE REPORTER: If you would, sir, say "yes" and

"no." 1 2 THE WITNESS: Yes. BY MR. RUTER: 3 And he called for sex? 4 Q. 5 Α. Yes. And he received sex? 6 Q. 7 Yes. Α. 8 Do you know whether or not he paid the lady? Q. 9 Yes, because she paid me. Α. 10 Q. Okay. There was another time that you saw him face to 11 face, and that was at the Jennifer Shop in Annapolis; is that 12 right, sir? 13 Α. Yes. 14 Okay. And, this, I was not clear on. I hope you can 15 help me. You said that Chino was talking to a third party? 16 Α. Yes. 17 Could you overhear that conversation? 18 Yes, because he went up to me and started talking to the 19 guy saying that, if it was me, the person would have done 20 something to him, and that's when I stood up and I asked him, 21 "What was he talking about?" He told me that it was nothing 22 that concerned me, and then just left. 23 Okay. And that's the part I'm confused about. What did 24 you understand it to mean when Chino was telling a third party

that, if somebody had done something to me?

- 1 A. To him.
- Q. To him.
- 3 A. Yeah.
- 4 Q. Did you --
- 5 A. He said, "Was this the person?" He said, "Was this the
- 6 person that did that to you?"
- 7 Q. Did what to you?
- 8 A. That's what I didn't know. That's why I stood up and I
- 9 asked him, and he said it was nothing that concerned me, and
- 10 he just left.
- 11 Q. Okay. And, on that occasion, he made no threat to you?
- 12 A. No.
- 13 Q. To your knowledge, did he know that you were in the
- 14 prostitution business at that time?
- 15 A. Yes.
- 16 \parallel Q. Was it Isabella who was with you when you were assaulted?
- 17 A. No.
- 18 Q. Okay. You mentioned Isabella.
- 19 A. Yes.
- 20 Q. And who is Isabella?
- 21 A. She's a Brazilian.
- 22 Q. She's what?
- 23 A. Brazilian.
- 24 Q. She's a Brazilian --
- 25 A. Brazilian female that worked with me.

- 1 Q. And she's also a prostitute?
- 2 A. Yes.
- 3 Q. And do I understand that you were at a store or
- 4 restaurant and -- with Isabella --
- 5 A. Yes.
- 6 Q. And you got a call for prostitution services?
- 7 A. Yes.
- 8 Q. Does your phone go off all day long?
- 9 A. Huh.
- 10 Q. Does your phone go off all day long for prostitution
- 11 services?
- 12 | A. From -- sometime from 5:00 to 1:00, 2:00 a.m. in the
- morning.
- 14 Q. And you were going to, I guess, back out of the parking
- 15 place you were in to take Isabella for a prostitution service;
- 16 is that right?
- 17 A. Yes.
- 18 Q. And that's when you saw a vehicle was --
- 19 A. Behind me.
- 20 Q. -- parked, so you couldn't move your vehicle; is that
- 21 right?
- 22 A. Uh-huh.
- 23 Q. And that was Chino?
- 24 A. Yes.
- 25 Q. All right. And did Chino have anybody with him?

- 1 A. Yes. He had somebody in the passenger seat.
- 2 Q. Was it a male, or a female that he had?
 - A. It was a male.
- 4 Q. Okay. Did he have his work van that day?
- 5 A. I'm sorry. What?
- 6 Q. Did you ever see him in a van?
- 7 A. He had a Ford Expedition.
- 8 Q. Ford Expedition? Okay.
- 9 And you're indicating that you saw him speaking with
- 10 Isabella?

- 11 A. Yes.
- 12 Q. And, as a result of that, did you understand that
- 13 Isabella had, at least at one time, worked with him, or worked
- 14 for him, or with him?
- 15 A. Yes. She had told me before that she had already worked
- 16 with him once.
- 17 Q. Okay. And then she's working with you?
- 18 A. Yes.
- 20 A. At the time that Freddy was associated with me.
- 21 | Q. Okay. And I thought that I heard you say that Chino went
- 22 back to his vehicle to grab something?
- 23 A. No. He went back in his vehicle, and that's when I went
- 24 | to the window and asked him, why was he talking to the female
- 25 \parallel that was in my car, and he said that -- because he said that I

1 went and robbed him at his house on 2 that he had in Easton, and I told him -- I asked him, who told 3 him that, and he went to the passenger to talk to the 4 passenger and said, "He told me," and I looked at the 5 passenger, and I told him, "Look at me. Tell me when I actually went and robbed this fool," because I talked to him 6 7 in bad words in Spanish, to him that day. To Chino? 8 Q. 9 Yes. Α. 10 Q. And what did you tell him? 11 And the guy looked at me, and he didn't say anything. Α. 12 All right. Q. 13 Α. So, then, that time, he did like he was looking for 14 something between the seat. 15 What did you call him? Q. 16 Α. Huh? What did you call Chino here? And you're allowed to tell 17 Q. 18 us whatever bad word it was. What exactly? 19 I said pendejo. Α. 20 Sorry? Q. 21 I said pendejo, this fool. Α. 22 What's the Spanish word you just used? Q. 23 Fool, idiot. Α.

Well, fool is not that bad. I've been called a fool many

24

25

times?

- 1 A. In my language, that's actually a cuss word.
- 2 Q. Fool?
- 3 A. Yeah. Pendejo.
- 4 Q. Okay. You called him a fool?
- 5 A. Yeah.
- 6 Q. You said that Isabella didn't work for you for a while,
- 7 but she actually ended up coming back when she did work for
- 8 you?
- 9 A. Yeah.
- 10 Q. Okay. And, to your knowledge, between the time that you
- 11 saw her on this occasion, date unknown, until the time that
- 12 you used her services again, did she remain in the
- prostitution business to your knowledge?
- 14 A. I'm pretty sure, yes.
- 15 Q. Okay. When you were assaulted, did the individual who
- 16 | had the shotgun in his hands -- did he rack the shotgun and
- 17 pull the trigger?
- 18 A. No. He never pulled the trigger.
- 19 Q. Do you know what I mean when I say "rack the shotgun"?
- 20 A. Loaded it.
- 21 Q. Yeah.
- 22 A. No.
- 23 Q. Did he do that?
- 24 A. No.
- 25 0. So what did he do?

- 1 A. He just pointed it at me.
- 2 Q. Okay. And, when he pointed it at you, it was at your
- 3 head for approximately, or near your head or face for
- 4 approximately how long?
- 5 \blacksquare A. It would be like between 30 seconds to -- to like 45
- 6 seconds.
- 7 Q. Okay. So, when that was pointed at you, were you in your
- 8 vehicle, or out of your vehicle?
- 9 A. In my vehicle.
- 10 Q. So you were sitting in your vehicle. You're the driver?
- 11 A. Yes.
- 12 Q. And this person that you don't -- you never saw him
- before. He says that he wants all your money, doesn't he?
- 14 A. Yes. He said, "Give me your money."
- 15 Q. All right. Has that ever happened before to your
- 16 knowledge in the prostitution business, that drivers or
- 17 brothels are robbed by other people?
- 18 A. No.
- 19 Q. That never happened?
- 20 A. As far as I knew, no.
- 21 Q. Okay. So then you were surprised when this person
- 22 approached you?
- 23 A. Yes.
- 24 \parallel Q. And what exactly happened during that approximately 45
- 25 seconds while he's pointing the gun at you? What precisely is

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going on?
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- 2 A. I still had my car in drive, so through my mind, I went,
- 3 was I going to give him the money that I had just made or not?
- 4 So I decided not to. I grabbed his shotgun, lifted it up, and
- 5 just accelerated my car.
- 6 Q. And you were not struck with the shotgun at that time --
- 7 A. No.
- 8 \square Q. -- is that right?
- 9 So your course of action was to go try to find a
- 10 weapon?
- 11 A. Yes.
- 12 Q. And the weapon you found was a knife?
- 13 A. Yes.
- 14 Q. How big was the knife?
- 15 A. About like that long (indicating).
- 16 Q. Let the jury see you. How long is it?
- 17 A. About like that long (indicating). It's kind of like a
- 18 machete style.
- 19 Q. I was going to ask you. Was it really a knife, or was it
- 20 really a machete?
- 21 A. It was a cooking knife, so it was -- it was a knife. It
- 22 wasn't a machete.
- 23 Q. It was a nice, big knife?
- 24 A. Yeah.
- 25 Q. Okay.

- A. A cooking knife, because it was in Cluck-U-Chicken. It was in a fast food restaurant.
 - Q. Okay. And then you set out to find these three guys?
 - A. Yes.

- 5 Q. And you did find them?
- 6 A. Yes.
- Q. Okay. We understand that you grabbed somebody and -- one
- 8 of the assailants, and you put the knife to his throat?
- 9 **A.** Yes.
- 10 Q. And then you threatened to kill him?
- 11 A. No. I asked him why they wanted to rob me --
- 12 Q. Oh.
- 13 A. -- and that's when the guy pulled out his shotgun and
- point it at me and told me to let go of him or he was going to
- shoot me, and I told him to shoot me, that if he was going to
- 16 | pull the trigger, I was going to kill the guy that I had with
- 17 **m**e.
- 18 Q. The guy that you had grabbed?
- 19 A. Yes.
- Q. Okay. Was that guy resisting you, by the way, when you
- 21 were holding him? Do I understand you were like behind him,
- 22 Mr. Avila?
- 23 A. I was behind him.
- 24 Q. And you had your -- which hand did you have around him?
- 25 A. Left hand.

- 1 0. Your left arm around him?
- 2 A. I had him around his throat.
- 3 Q. And then you had your right -- your right hand had the
- 4 knife?

- A. Yes.
- 6 Q. And the knife was very near his throat?
- 7 A. Yes.
- 8 Q. Okay. The entry in your phone -- I think it said
- 9 "ENE 1," and you said it stands for Enemy 1?
- 10 A. "1 ENE."
- 11 Q. Okay. "1 ENE." And it stood for "enemy"?
- 12 A. Yes.
- 13 Q. All right. And can you tell me why or tell us why it was
- that you used the word "enemy"?
- 15 A. Because he was threatening me.
- 16 Q. Okay. You indicated that the Grim Reaper was portrayed
- on your phone; is that right?
- 18 A. Yes.
- 19 \parallel Q. And you said that, quote, we call it -- we call it the
- 20 Grim Reaper. Who is "we"?
- 21 A. Hispanic people --
- 22 Q. Okay.
- 23 A. -- call it the Santa Muerte, which means the Grim Reaper.
- 24 | Q. All right. On November 3rd, after the assault, you
- 25 called Detective Hartlove?

- 1 A. Yes.
- 2 Q. Was Detective Hartlove's phone number in your phone?
- 3 A. Yes.
- 4 Q. Okay. So, although -- being the jurors hadn't seen it,
- 5 \parallel if we looked in your phone, there would be an entry for
- 6 Detective Hartlove?
- 7 A. No. It was under "Detective." There were three numbers
- 8 | that were under "Detective." One -- the first one that said
- 9 "Detective" was just his phone number, which was a
- 10 -3028.
- 11 Q. Okay. That being Detective Hartlove?
- 12 A. Yes.
- 13 Q. Okay. Do you have a good memory?
- 14 A. Yes, sir.
- 15 Q. And how did you remember that number so quickly as you
- 16 just told it to us?
- 17 A. Because that phone number was always in my head, because
- 18 I used to call him every time he would call me -- every time
- 19 Ventura called me.
- 20 Q. Okay. And this was one time when you called the
- 21 detective -- Detective Hartlove? After you were assaulted,
- 22 you called him?
- 23 A. Yeah, I called him.
- Q. And you guys met at the police barrack?
- 25 A. Yes.

- Had you met Detective Hartlove prior to November 1 Ο.
- the 3rd? Oh, yes.

Α.

2

3

- How many times -- I'm sorry. 4 Q.
- I had got in touch with him, and I went to meet him down 5 Α. at the station to let him know what was going on. 6
- 7 Right. But you already knew him. You had already met 8 him. Prior to November 3rd, when you were assaulted, you had 9 already met Detective Hartlove?
- 10 Α. Yes.
- 11 And he gave you his number? Q.
- 12 I had already had his number with me before, because he 13 already called me, because Freddy gave him my number, because 14 Freddy was helping him out still in this case, too.
 - Right. And so you got Detective Hartlove's phone number from Freddy; not from Detective Hartlove?
- 17 Α. No.

15

16

18

19

20

21

22

23

24

- And how long before November 3rd had Freddy given you Detective Hartlove's number?
 - I cannot remember, but he gave it to me a few months Α. after we had just got into work together, because he told me what was going on, what was the problem, that he was being threatened, and that he was getting in touch with the detective, and, if I were to get any calls, to -- getting threats from somebody, to call Detective Hartlove.

- Q. And this exchange on Detective Hartlove's phone number occurred while you and Mr. Soriano were working together?
 - A. Yes.

- Q. Okay. And you worked for many months before the assault
- 5 by yourself?
- 6 A. By myself? No
- 7 Q. Yeah.
- 8 A. I was still working with Freddy at that time. I was
- 9 still associated with Freddy when that happened, because I
- 10 told him -- I let him know. I told him, "Look, this just
- 11 happened."
- 12 Q. Okay. How many months before the November 3rd assault,
- 13 best you can, did you receive Freddy's number from --
- 14 Detective Hartlove's number from Freddy?
- 15 A. Before?
- 16 Q. Uh-huh.
- 17 A. I can't recall how many months before.
- 18 Q. Okay. And, before November 3rd, however, you had called
- 19 and met Detective Hartlove?
- 20 A. I don't remember, but it was like about two months or
- 21 | maybe three months before. I got in touch with him and told
- 22 him -- let him know what was going on.
- 23 Q. Okay. Had you ever met Special Agent Kelly here before
- November 3rd of 2010?
- 25 A. No. I met him actually after the incident, because they

- went down with some pictures to see if I recognized one of
 the -- the person that actually did it.
- Q. Okay. How many times did you meet with
- 4 Detective Hartlove prior to November 3rd of 2010?
- A. Face to face? I think we -- we met like two, three times.
- Q. And did you meet because he would call you, or did you meet because you had called him?
- 9 A. No. We met -- I -- actually, we met because I called
 10 him, and I told him the problems that was going on.
- Q. Mr. Cunningham had indicated on your direct examination that, on November 3rd, there were a series of phone calls
- 14 A. Yes.

- Q. The second phone call we heard, would you agree with me that that -- the voice was very different compared to the first time we -- the first phone call we heard?
- A. No. There is one thing, him trying to actually switch it up, but no. It's still the same voice.
- Q. Okay. So you're clear it's the same voice?

between you and Chino, correct?

- 21 A. Yes.
- Q. All right. And then we understand from your direct examination that there were a few more phone calls that followed those two phone calls; is that correct?
- 25 A. Yes.

```
And Mr. Cunningham had asked you to kind of describe the
 1
 2
       nature of those calls. Your response, if I recall, was that
 3
       he -- he, meaning Chino here, tried to act dumb?
            Uh-huh.
 4
       Α.
                 THE REPORTER: "Yes" or "no," please.
 5
                 THE WITNESS: Yes. Sorry.
 6
 7
       BY MR. RUTER:
 8
            And what you mean by that, Mr. Avila, is that you asked
       Q.
 9
       several times -- you asked Chino whether he was trying to kill
10
       you, correct?
11
       Α.
            Yes.
12
            But many -- many, many times?
13
       Α.
            Yes.
14
            And, every time you asked the question, Chino said, "I
15
       don't know what you're talking about"?
16
       Α.
            Yes.
            And then he also said, did he not, that he was calling
17
       about the girl? He wanted to know about the girl; is that
18
19
       correct?
20
            He was calling because he wanted to know about what girl?
       Α.
21
            I'm just asking if you recall, sir. Yes or no?
       Q.
22
       Α.
            No.
23
            Okay. Well, we'll have to key those up, then, I think,
24
       Mr. Cunningham. Would you do me a favor and --
25
                 (Counsel conferring.)
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MR. RUTER:
                             Excuse me, Your Honor.
 1
 2
                 THE COURT:
                            Yes.
 3
                 (Counsel conferring with the Defendant.)
                 MR. RUTER: Your Honor, may we approach?
 4
 5
                 THE COURT: Sure. Come up.
                 (Whereupon, the following discussion occurred at the
 6
 7
       bench.)
 8
                 MR. RUTER: Your Honor, Mr. Ventura says he really,
 9
       really, really has to go to the men's room.
10
                 THE COURT: Okay. I'll take a break now. How much
11
       longer will you be?
12
                 MR. RUTER: I'm right at the end, Judge. I may want
13
       to play one or two of those other phone calls with the Court's
14
       permission.
15
                 THE COURT: Are you going to cross?
16
                 MR. MONTEMARANO: Yes. Briefly, though.
17
                 MR. RUTER: Thank you, sir.
18
                 (Whereupon, the bench conference was concluded.)
19
                 THE COURT: Members of the jury, we're going to take
20
       the morning break now. Please remember: Don't discuss the
21
       case among yourselves or with anyone else. I will call for
22
       you at noon. We will resume at noon. Thank you.
23
                 THE CLERK: All rise. This Honorable Court stands
24
       in recess until noon.
25
                 (Jury excused.)
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(Recess taken, 11:32 a.m. - 11:57 a.m.)
 1
 2
                 THE CLERK: All rise. This Honorable Court now
 3
       resumes in session.
                 THE COURT: Ready for the jury?
 4
 5
                 MR. CUNNINGHAM: Yes, Your Honor.
                 (Jury enters.)
 6
                 THE COURT: Please be seated.
 7
                 Please remind the witness.
 8
 9
                 THE CLERK: I'd like to remind you: You're still
10
       under oath.
11
                 THE WITNESS: Yes.
12
                 MR. RUTER: If it please the Court, Your Honor, may
13
       I approach, Your Honor?
                 I'd like to have this marked for identification
14
15
       only, please, as Defense Number --
16
                 THE CLERK: One basically. Number 2.
17
                 MR. RUTER: May I approach the witness, Your Honor?
18
                 THE COURT:
                            Yes.
19
       BY MR. RUTER:
20
            Mr. Avila, I asked you earlier if you were able to recall
       Q.
21
       the substance of the additional phone calls that came in to
22
       you after the two phone calls that were played by the
23
       Government. Do you recall that? Do you recall me asking you
24
       that question, if you recall that you received other phone
25
       calls between you and Chino even after the two phone calls
```

- 1 that were already played to the jury?
- 2 A. Uh-huh, yes.
- Q. And you did receive calls; is that correct?
- 4 A. Yes.
- 5 Q. And I had asked you whether or not there was any
- 6 conversation between you and Chino about, quote, the girl, end
- 7 quote. Do you recall my asking you that question?
- 8 A. Yeah. Yeah. I remember you asking me that question, but
- 9 I don't remember that it was talking about the girl. I
- 10 remember talking with him after the -- those calls about him
- 11 wanting me to come work with him.
- 12 Q. You mean in the phone calls themselves?
- 13 A. Yes.
- 14 \blacksquare Q. He asked you to come to work for him?
- 15 A. Yes.
- 16 \parallel Q. So are you saying that, in the recorded conversations
- 17 | that occurred on November the 3rd between you and Chino, there
- 18 were some discussions from him asking you to go to work for
- 19 him?
- 20 A. In the recorded conversations, yeah, in some of -- one of
- 21 | the recorded conversations, I remember telling
- 22 Detective Hartlove about it, because he wanted me to work with
- 23 him for -- to work for him, that he was going to pay me \$500 a
- 24 week, and he was going to give me a car to drive around too
- 25 with that.

- Q. Is it your recollection that those two men, as you've
- 2 just referenced -- that is, to go to work for you and pay you
- 3 \$\ \$500 and also give you a car -- is it your recollection that
- 4 that conversation was also recorded by Detective Hartlove on
- 5 November 3rd, 2010?
- 6 A. No. That conversation, I don't remember it being
- 7 recorded.
- 8 Q. Okay. So what I'm talking about are just the recorded
- 9 conversations on November the 3rd of 2010. That's all I'm
- 10 asking you about.
- 11 A. Okay. It was just the ones that were played, and some
- 12 other ones that haven't been played.
- 13 Q. There were others as well, sir, were there not, that were
- 14 recorded?
- 15 A. Yeah.
- 16 \parallel Q. But the jury has not heard the other ones; is that
- 17 correct?
- 18 A. Yes.
- 19 Q. Okay. I'm asking you about those.
- 20 A. I don't remember.
- 21 | Q. Okay. So, having said that, I want to show you what's
- 22 been marked for identification as Defense Number 2. It's one,
- 23 two -- it's only three pages long. I'm going to ask you to
- 24 read that to yourself, and then, after you're done, I want to
- 25 ask if that helps refresh your recollection as to what you

```
discussed on this conversation.
 1
 2
                 (Witness reviewing exhibit.)
 3
       Α.
           Yes.
 4
           And, after you read that, Mr. Avila, does that help you
       Q.
 5
       refresh your recollection about that phone call?
            Yes.
 6
       Α.
 7
           If I could just have that back now again, sir, please.
       Ο.
 8
       Thank you.
 9
                 Do you recall Chino saying to you or mentioning the
10
       word "girl" and then the number "?"?
11
       Α.
            Yes.
12
           And can you tell us what that meant to your recollection?
13
           He was telling me at first, "How was the girl? Was the
       girl --" how she looked, if she looked good, and then he
14
15
       wanted to tell me, better than ____ -- he'll tell me, ____.
                                                                  Не
16
       kept repeating
                      , to take her to
17
18
            Okay. And that's my -- I think you've answered my
19
       question. If I could pose it anyways. What was your
20
       understanding as to what he meant when he kept repeating
21
22
            To take her to
23
            To take the girl --
       Q.
24
       Α.
           Yes.
25
       0.
            -- to
```

```
1
            Yeah.
       Α.
 2
            "The girl" meaning the prostitute --
       Q.
 3
       Α.
            Yes.
 4
            -- is that correct?
       Q.
 5
       Α.
            Yes.
            Okay. I'm going to ask you to read this recorded
 6
 7
       conversation, same date -- this is only three and a half pages
 8
       long -- and ask you to read it to yourself.
 9
                 MR. CUNNINGHAM: Mr. Ruter, can you just identify
10
       that one for me?
11
                 MR. RUTER: This is -- oh, I'm sorry. Let me see if
12
       it has the time. Could I take that back, sir?
13
                 You can go ahead and read it.
14
                 (Counsel conferring.)
15
       BY MR. RUTER:
16
            And have you had a chance to read Defense 2 for
17
       identification? Have you had a chance to read that?
18
            Just the front page.
       Α.
19
            I'm sorry, sir. I wanted you to read all three and a
20
       half pages. My apologies.
       Α.
21
            Oh, okay.
22
                 (Witness reviewing exhibit.)
23
            Okay. Thank you.
24
                 Now, Mr. Avila, you've had a chance to read this
25
       Defense Exhibit 2 for identification only, and, after having
```

```
reviewed this transcript, does that help refresh your
 1
 2
       recollection as to that phone call?
 3
       Α.
            Yes.
            Okay. And is it fair to say that you and Chino continued
 4
 5
       to discuss the girl?
            Yes.
 6
       Α.
 7
            And whether or not she's going to be, if you will,
       Ο.
 8
       delivered to
 9
            Yeah.
       Α.
10
            Okay. So, Mr. Avila, the assault occurs on November the
11
       3rd of 2010, correct?
12
       Α.
            Yes.
13
            And you continued to work in the prostitution business
       thereafter; is that true?
14
15
            Yes.
       Α.
16
            And you were still working on your own?
            Yes. I kept working on my own after I stopped working
17
       Α.
18
       with Freddy.
19
            And how long did you continue working in the prostitution
20
       business after November 3rd, 2010?
21
       Α.
            After November 3rd? About two months, three months.
22
            Into the beginning of 2011?
       Q.
23
            Yes. Up until 2011.
24
            And, when you stopped in 2011, did you go to work
```

anywhere else?

- A. Actually, yeah. I was working in Hyattsville as an independent cab driver.
 - Q. And was that also in 2011, or was that in 2012?
- 4 A. That was in 2011, after I stopped.
- 5 Q. Okay. And, after November 3rd, until you stopped, did
- 6 you continue to work on Monday, Tuesday, Wednesday, Thursday,
- 7 Friday, and Saturday?
- 8 A. I worked whenever I had a chance to.
- 9 Q. Okay. And what does that mean, though -- you worked when
- 10 you had a chance?

- 11 A. Whenever -- because the car I was driving wasn't actually
- 12 mine. It was actually the owner of the cab company who was --
- 13 he was an independent cab driver, so, whenever he would
- 15 Q. Okay.
- 16 A. -- work.
- 17 Q. Did you give him any money to split with him as you were
- 18 making some money?
- 19 ■ A. Yes. I was paying him \$50 a week for -- for him giving
- 20 me calls.
- 21 \parallel Q. Okay. And he knew that you were delivering girls around?
- 22 A. No.
- Q. Okay. Now, Mr. Avila, we talked about the conviction you
- 24 | had in Virginia, and your testimony was you were found guilty
- of theft -- identity theft, and I want to ask you if your

recollection would be helped if I told you that there seems to 1 2 be documents that say you were found quilty of forgery of a 3 public document? That's what they gave me. That's what they hit me with, 4 Α. 5 because I signed the ticket that the officer gave me. signed it under another name. 6 7 Okay. And that is the forgery of a public document? Q. Α. 8 Yes. To your knowledge? 9 Q. 10 Α. Yes. 11 Q. Okay. Great. 12 MR. RUTER: No further questions. Thank you, 13 Mr. Avila. THE COURT: Mr. Montemarano? 14 15 MR. MONTEMARANO: Thank you, Your Honor. Very 16 briefly. 17 CROSS-EXAMINATION 18 BY MR. MONTEMARANO: 19 I don't want to go over, Mr. Avila, some of the ground 20 covered by Mr. Ruter, but I'd like to get a couple of things 21 clear for myself if I could, okay? 22 Α. Yes. 23 You worked in legal or legitimate business for about 24 three years ending with your two years of employment at Pizza 25 Boli's; is that fair to say?

- 1 A. I'm sorry. With what?
- 2 Q. You worked for about three years in legal or legitimate
- 3 employment?
- 4 A. Uh-huh.
- 5 Q. And that ended with your time at Pizza Boli's, which is
- 6 about two of those three years; is that about a fair
- 7 statement?
- 8 A. It ended in -- Pizza Boli's and McDonald's, because I was
- 9 actually having two jobs.
- 10 Q. Okay. And those jobs had ended because you had trouble
- with your managers; is that a fair statement?
- 12 A. Yeah. Pizza Boli's, yes.
- 13 Q. And that's when you contacted Mr. Soriano, correct?
- 14 A. Yes.
- 15 Q. And you were, at that point, aware of the prostitution
- 16 business in Annapolis, correct?
- 17 A. Yes.
- 18 Q. And you were aware that there were, for lack of a better
- 19 term, employment opportunities in the business, correct, sir?
- 20 A. Yes.
- 21 Q. And you went to work for him, correct?
- 22 A. Yes, sir.
- Q. And you were able to establish yourself in that business
- 24 \parallel to such an extent that eventually you went out on your own,
- 25 correct, sir?

Cross-Examination of Hector Fabian Avila (Montemarano)

- 1 Α. Yes.
- 2 And that's because there were plenty of girls, correct --Q.
- 3 plenty of girls ready to work in prostitution; fair statement?
 - And there was plenty of work. Α.
- 5 And there were plenty of guys who were looking for girls, Q.
- right? 6

4

8

- 7 Α. Yes.
 - (Telephone interruption.)
- 9 S/A KELLY: I'll turn it off outside, Your Honor.

10 BY MR. MONTEMARANO:

- 11 I think we've just established that there were plenty of
- 12 girls and plenty of guys; is that a fair statement?
- 13 Α. Yes.
- And, indeed, when you went out on your own, all you had 14
- 15 to do was pick up your phone and call some girls and say,
- "Would you please work for me," correct? 16
- 17 Α. Yes.
- 18 You didn't have to threaten them, correct? Q.
- 19 Α. No.
- 20 You didn't hold them in captivity or anything like that,
- 21 correct?
- 22 Α. No.
- 23 Didn't direct any threats towards their families or
- 24 anything like that?
- 25 Α. No.

```
1
            There was a ready market; is that a fair statement?
       Ο.
 2
       Α.
            Yes.
 3
       Q.
            Wasn't difficult to get in and stay in this business,
 4
       correct?
 5
       Α.
            No.
                 Correct.
                 MR. MONTEMARANO:
                                   Thank you.
 6
 7
                 THE COURT: That's it, Mr. Montemarano?
 8
                 MR. MONTEMARANO: Thank you, Your Honor.
 9
                 THE COURT: Redirect?
10
                 MR. CUNNINGHAM: Thank you, Your Honor.
11
                      REDIRECT EXAMINATION
12
       BY MR. CUNNINGHAM:
13
            Mr. Avila, you were asked questions about the fact that
14
       you continued to work for a few months after this assault --
15
       continued to work in the sex-trafficking business, right?
16
       Α.
            Yes.
17
            And, during that time, were you also working as an
18
       independent cab driver?
19
            No, not at that time.
       Α.
20
            Okay.
       Q.
21
            I did that after I quit the prostitution.
       Α.
22
            And earlier you had had contact with Detective Hartlove;
       Q.
```

24 A. Yes.

is that right?

23

25

Q. And was that after you would get some sort of a

```
1
      threatening communication, either a telephone call or a
2
      message, that you would contact Detective Hartlove?
3
      Α.
           Yes.
```

- And would you pass on to him the fact that you had received that kind of communication?
- Yes. Α.

5

6

13

24

- 7 Now, when you were speaking to Detective Hartlove or any Ο. 8 other law enforcement officers, did you tell them what your telephone number was? 9
- 10 Α. Yes. I gave --

Yes.

- 11 Do you remember right now what your telephone number was Q. 12 in 2010?
- Α.
- 14 Q. What was your number?
- 15 -5306. Α.
- 16 And is that the telephone number at which you received 17 those images by text messages that we saw earlier during your direct examination? 18
- 19 Yes. Α.
- 20 And is that the telephone number at which the telephone Q. 21 calls -- both the ones we played as well as the calls that 22 Mr. Ruter asked you to review, is that the number you received 23 those calls to?
 - Α. Yes.
- 25 Now, when you talked to Detective Hartlove, did you tell

```
1 him what you were doing?
```

- 2 A. Yes.
- 3 Q. And did he tell you it was okay to continue to do that?
- 4 A. No. He told me that was wrong and that I needed to stop.
- Q. The first time that you met -- you said that you had a
- 6 personal contact with Chino, I think you said the
- 7 or location?
- 8 A.
- 9 Q. And is that located close to the Safeway that you --
- 10 A. Yes.
- 11 Q. -- referenced?
- 12 A. It's about a -- two, three blocks down from Safeway.
- 13 Q. Is that anywhere near where your mother is?
- 14 A. Yes.
- 15 Q. Does she --
- 16 A. Like two blocks away.
- 17 Q. Okay. And you have received a telephone call asking you
- 18 to deliver a woman there?
- 19 A. Yes.
- 20 Q. When you went there and had this first contact with
- 21 | Chino, did you tell him that you recognized him by voice as
- 22 the person that had called you?
- 23 A. No, I didn't tell him that.
- 24 \parallel Q. And, as to Soriano, you indicated that basically he was
- 25 getting arrested a lot?

- 1 A. Yes.
- 2 Q. And eventually you decided to strike out on your own; is
- 3 that accurate?
- 4 A. Yes.
- 5 Q. Did he know you were going to do that?
- 6 A. No. When he got out of jail, he asked me if I was still
- 7 going to work with him, and I told him, no, each one go their
- 8 own way.
- 9 Q. And were you still on good terms with him?
- 10 A. For a while, yes.
- 11 Q. At the time that you were assaulted in November of 2010,
- were you on good terms with him then?
- 13 A. Yes.
- 14 | Q. The place where you had contact with Chino at the
- Jennifer Shop, can you describe for us what the Jennifer Shop
- 16 is like inside?
- 17 A. The wireless store. Where we had contact, it was in a
- 18 wireless store.
- 19 Q. Okay. A wireless store. Is that a publicly-accessible
- 20 place?
- 21 A. Yes.
- Q. Is it open and other customers could be in there?
- 23 A. It's open. They sell like headphones, phones. They pay
- 24 their bills there.
- 25 Q. And, the place where you had the encounter when he was

```
1
       driving the Ford Expedition, where he blocked the way for you
 2
       to drive, is that also a public place?
 3
       Α.
            Yes.
            And did he speak to the woman who was your passenger
 4
       alone?
 5
            Yes, because I was on the passenger side.
 6
       Α.
 7
            Okay. And did you hear some of what he was saying,
       Ο.
 8
       though, to her?
 9
            I managed to hear him when I went back to -- to the
       Α.
10
       driver's seat -- toward the driver's side of his car.
11
            And how was she reacting after this encounter?
       Q.
12
       Α.
            After he left --
13
                 MR. RUTER: Object, Your Honor.
14
       Α.
            -- she was nervous.
15
                 THE COURT: Basis?
16
                 MR. RUTER: Exceeds, by a lot, my cross-examination.
17
                 THE COURT: Overruled.
18
       BY MR. CUNNINGHAM:
19
            I'm sorry. What was her demeanor?
       Q.
20
            She was nervous, and tears were coming out of her eyes.
       Α.
21
            And did she do any more business with you that day?
       Ο.
22
                 She told me she was scared and she wanted to go back
            No.
23
       to her house.
24
            Was it later that she came back to work for you?
```

Yeah. It was after like -- after he got locked up.

25

Α.

- 1 Until he got locked up, probably few weeks later.
- 2 Q. You were asked some questions about your familiarity with
- 3 robberies of brothels, and had you ever heard of whether a
- 4 brothel at in Annapolis had ever been robbed?
- 5 A. No.
- 6 Q. You never heard of that?
- 7 A. No.
- 8 Q. You mentioned that, at the time that you were assaulted
- 9 in November, you drove your car forward and went to -- was it
- 10 the Cluck-U-Chicken to get a knife?
- 11 A. Yes.
- 12 Q. And did you have a weapon in your car with you?
- 13 A. No.
- 14 Q. Did you routinely carry a weapon?
- 15 A. No.
- 16 Q. Now, you described, or I think you held up your hands to
- 17 describe the size of the knife that you -- the kitchen knife
- 18 | you got, and it looked like it was approximately twelve inches
- 19 long. Is that about accurate?
- 20 A. Yes.
- 21 \parallel Q. I'm going to hold up and show you -- this is Government
- 22 Exhibit 17i. How would you describe 17i?
- 23 A. It's a little bit longer than -- than the one I had.
- 24 | Q. What is 17i?
- 25 A. That's a machete.

1 Okay. You didn't keep a machete or machete in your car? 0. 2 Α. No. No. 3 Q. Now, in the same context as the question about robberies, had you become aware in the sex-trafficking business of people 4 who alerted the police on other individuals who were 5 essentially their business competitors? Had you ever heard 6 7 about that? Α. 8 No. 9 All right. Q. 10 MR. CUNNINGHAM: Nothing further for Mr. Avila, Your 11 Honor. 12 MR. RUTER: Just briefly. Thank you, Your Honor. 13 THE COURT: Mr. Ruter? 14 RECROSS-EXAMINATION 15 BY MR. RUTER: We know, Mr. Avila, that Chino had requested to receive 16 17 sexual services from at least one of your and Freddy Soriano's 18 women, correct? 19 Α. Yes. 20 Did Mr. Ventura ever call you, asking you if you had any Q. 21 women that he could use to work with him? 22 Α. No. 23 Okay. Can you recall ever speaking to Chino other than 24 the examples you've already given us where you threatened him?

25

A. Me threatening him?

- 1 Q. Yes.
- 2 A. No.
- Q. Did you ever have any conversations with him asking you
- 4 not to call him because he was at the casino?
- 5 A. Yes. I remember him telling me not to bother him,
- 6 because he was in the casinos, yeah.
- 7 Q. But when would that conversation have taken place?
- 8 A. About the same day that he -- that the assault happened,
- 9 because he started making calls on me -- making phone calls,
- 10 and I called him back.
- 11 Q. Okay. So does that mean there is other phone calls
- 12 \parallel around the time of the assault that were not recorded by
- 13 Detective Hartlove?
- 14 A. No. Everything was recorded, but, whenever I called him,
- 15 he never picked up.
- 16 \parallel Q. Well, are you saying, then, that, if we were to look at
- all the transcripts of the phone calls between you and Chino,
- 18 | that we would see some conversation between you and him
- 19 concerning his asking you not to bother him because he was at
- 20 the casino?
- 21 A. I don't know.
- 22 \blacksquare Q. Well, did the conversation about his being at the
- casino -- did that occur on November the 3rd of 2010?
- 24 A. Yes. One of his friends also called me that I knew,
- 25 \parallel Vicente. He started talking to me, too. He made a few phone

- 1 calls from his phone.
- Q. Okay. Vicente is someone who told you that the police
- 3 were looking for you because you had held a knife to
- 4 somebody's throat?
- 5 A. Yes.
- 6 Q. Which was true?
- 7 A. Uh-huh, yes.
- 8 Q. But I'm not asking you about that. I'm asking you about
- 9 this conversation between you and Chino, where Chino advises
- 10 you that he doesn't want you to call him because he's at the
- 11 casino. I'm referring to that conversation, which you agreed
- 12 did occur; is that right?
- 13 A. Yes.
- 14 \ Q. So the question is: When did it occur?
- 15 A. It occurred that same day.
- 16 0. And did it occur after the assault?
- 17 A. Yeah. All the calls occurred after the assault.
- 18 Q. And it also occurred when you were with
- 19 Detective Hartlove?
- 20 A. Yes.
- 21 \parallel Q. All right. So did you understand that Chino was at the
- 22 casino, or did you not understand that?
- 23 A. That's what he said.
- 24 \parallel Q. Okay. And that would be in the documents that -- and
- 25 there would be a transcript and there would be a tape

```
recording of that; is that correct?
 1
 2
            Might be recorded. I'm not sure.
 3
       Q.
            Okay. When Isabella went back to work for you, did you
 4
       contact her, or did she contact you?
            I contacted her.
 5
       Α.
            Okay. All right. And she, in fact, spent the week with
 6
 7
       you doing prostitution?
       Α.
 8
            Yes.
 9
            For six days?
       Q.
10
       Α.
            Yes.
11
            Okay. All right.
       Q.
12
                             Thank you very much.
                 MR. RUTER:
13
                 MR. MONTEMARANO: No questions, Your Honor. Thank
14
       you.
15
                 THE COURT: Thank you. You may step down, sir.
16
                 (Witness excused.)
17
                 THE COURT: Call your next witness.
18
                 MR. CUNNINGHAM: The United States calls
19
       Josh Burnett.
20
                 Would you please approach the witness chair,
21
       approach the courtroom clerk, raise your hand to be
22
       administered an oath.
23
                 THE CLERK: Raise your right hand, please.
24
```

JOSH BURNETT

WAS THEN DULY SWORN TO TELL THE TRUTH

THE CLERK: Be seated, sir. You can scoot up -your chair up, pull the mic down, speak directly toward it,
state your name, and then spell it for the record, please.

THE WITNESS: Okay. My name is Josh Burnett, J-O-S-H, and B-U-R-N-E-T-T.

DIRECT EXAMINATION

BY MR. CUNNINGHAM:

- Q. Good morning. Mr. Burnett, would you please tell the jury what you do for a living.
- 12 A. I'm a pastor.
- Q. Okay. And is that how you are typically addressed; that
- 14 is, Pastor Burnett?
- 15 A. Sure.

1

2

3

4

5

6

7

8

9

10

11

- Q. Where do you currently serve in the ministry?
- 17 A. I serve in Annapolis, Maryland, at a church that my wife
- and I and a team started called Revolution Annapolis.
- 19 Q. And how long have you been working at Revolution
- 20 Annapolis?
- 21 A. For about three and a half years.
- Q. In 2010, did you live at the same location where you
- 23 currently live?
- 24 A. No.
- 25 \blacksquare Q. What was the address where you lived in 2010?

in Annapolis, Maryland. 1 2 Your Honor, if I may approach and MR. CUNNINGHAM: 3 get a Government exhibit? 4 THE COURT: Yes. 5 BY MR. CUNNINGHAM: Pastor Burnett, if you would please step down from the 6 7 witness chair and come over to Government Exhibit 30b. Uh-huh. 8 Α. 9 And if you can do this without necessarily blocking the 10 Judge, can you -- this is a map of Annapolis. Do you 11 recognize that? 12 Α. Yes. 13 And can you point to the general proximity of the 14 residence. 15 (Pointing). Α. 16 And you're actually pointing close to a red dot that is Q. actually identified on the map as "Weapons Recovery at 17 ," correct? 18 19 Α. Correct. 20 Okay. Please return to your seat. Q. 21 All right. Now, were you living in a residential 22 community at the time? 23 Yes. Α. 24 Describe for us, if you will, you know, your house and 25 living circumstances.

```
1
            Sure thing.
                         It was a duplex in -- I guess you would call
 2
       it a neighborhood right off of _____, behind Parole
 3
       Elementary School, just kind of a normal neighborhood.
            Were you renting at the time?
 4
       Q.
 5
       Α.
            Yes.
            Did there come a time in or around early November of
 6
 7
       2011 -- excuse me -- 2010 when you discovered anything in
 8
       close proximity to your home that was out of the ordinary?
 9
                  I was driving home with my grandma, who was living
       Α.
           Yes.
10
       with us at the time, one day, and noticed what looked like a
11
       shotgun in our driveway, just alongside of our driveway, and I
12
       stopped the car, got out, and discovered that it was a
13
       sawed-off shotgun.
14
       Q.
            I'm going to show you Government Exhibit 19a/9.
15
           Uh-huh.
       Α.
16
            Do you recognize this as a photo of, say, proximity of
17
       your home at
18
            Yes.
       Α.
19
            And you'll notice in the -- essentially what I'm pointing
20
       to, there appears to be an object on the ground. Do you know
21
       what that was?
22
            Yes. It was the shotgun.
23
            And this is Government Exhibit 19b -- excuse me --
24
       19a/10.
                Is this a close-up of the same item that's on the
25
       ground?
```

- 1 A. Yes.
- 2 Q. And, finally, I'm going to hold up Government
- 3 Exhibit 19d. Is this the shotgun that's depicted in those
- 4 pictures?
- 5 A. Yes.
- Q. Now, upon discovering this, Pastor Burnett, what did you
- 7 do?
- 8 A. When I noticed it, I thought, "That looks like a
- 9 shotgun," and then thought, "There is no way that's actually a
- 10 shotgun." So I stopped, got out of the car, went over to it,
- 11 saw that it was, in fact, a shotgun. I actually picked it up,
- 12 | which probably wasn't the smartest thing to do, but I thought
- that maybe it was a toy gun that maybe some of our
- 14 | neighborhood kids were playing with, and, as soon as I picked
- 15 it up, I realized it was a real gun and set it back down and
- 16 called the Annapolis Police Department.
- 17 Q. And did they respond?
- 18 A. Yes.
- 19 Q. And they took possession of the gun and took it away?
- 20 A. Correct.
- 21 \parallel Q. Did you have anything to do with the gun getting to the
- 22 location where you found it?
- 23 A. No. I had never seen it before that day.
- 24 Q. And do you have any idea how it came to be there?
- 25 A. No.

```
1
            Prior to -- I should say: Prior to that date, did you
 2
       have any idea how it came to be there?
 3
       Α.
           No.
                 MR. CUNNINGHAM: Nothing further of Pastor Burnett,
 4
 5
       Your Honor.
                 THE COURT:
 6
                             Okay.
 7
                 Cross?
 8
                 MR. RUTER: No cross. Thank you, sir.
 9
                 THE COURT: Cross? Thank you, sir. You may step
10
       down.
11
                 (Witness excused.)
12
                 MR. CUNNINGHAM: Your Honor, the Government calls
13
       Joong Kim. Your Honor, Mr. Kim speaks Korean, and there is a
14
       Korean-language translator who will assist in his examination.
15
                 THE COURT: Great. We'll have the interpretation of
16
       the interpreter.
                 Madam Clerk, if you'll swear them both.
17
18
                 THE CLERK: Yes, absolutely.
19
                 (Whereupon, Interpreter Kim now present.)
20
                 THE CLERK: Can you just stand right there.
21
                 (Oath administered.)
22
                 THE CLERK: Will you state your name for the record
23
       and the language you are interpreting, please.
24
                 INTERPRETER KIM: Soni Kim, and Korean.
25
                 THE CLERK: Thank you.
```

1	INTERPRETER KIM: Thank you.
2	THE CLERK: Would you please stand and raise your
3	right hand. Please stand.
4	JOONG KIM
5	WAS THEN DULY SWORN TO TELL THE TRUTH
6	THE CLERK: Thank you. Be seated.
7	THE COURT: Belinda, is that monitor picking up
8	Martin?
9	THE CLERK: No.
10	THE REPORTER: No, it's not.
11	THE COURT: Okay.
12	THE CLERK: Will you state your name for the record,
13	please, and spell it.
14	THE WITNESS: Joong Kim.
15	DIRECT EXAMINATION
16	BY MR. CUNNINGHAM:
17	Q. And, for the record, Mr. Kim, am I correct that you are
18	not related to Ms. Kim, who is the translator?
19	A. That's correct.
20	Q. Good afternoon, Mr. Kim. How old are you?
21	A. Sixty-three.
22	Q. And, Mr. Kim, we understand that you had requested the
23	services of a Korean-language translator. I'm going to speak
24	to you in English. I would ask you to wait until the
25	translator translates into Korean, then please respond to her

```
1
       in Korean, and she will then translate back into English.
 2
       Α.
            Yes.
 3
       Q.
            Mr. Kim, where do you currently live? And just give us
 4
       the city and state, please. You don't have to give us the
       street address.
 5
            Ellicott City, Maryland.
 6
 7
            How long have you lived there?
       Q.
 8
            (In English) Two years.
       Α.
 9
                 THE WITNESS: (In English) I'm sorry. I'm sorry.
10
       Α.
            Two years.
11
            And are you a United States citizen, Mr. Kim?
       Q.
12
            Yes.
       Α.
13
            Do you have a job?
14
       Α.
            Not at the moment.
15
            Do you have a way of earning income or making money?
       Q.
            At the moment, it's not. I don't.
16
       Α.
17
            Was there a time when you owned properties that you
       leased out for rental income?
18
19
            Yes.
       Α.
20
            Did you own a property at
                                                                in
21
       Baltimore, Maryland?
22
       Α.
            Yes.
23
            Mr. Kim, was that property in Baltimore County, or
```

25

Baltimore City?

A. Baltimore County.

- And was that in a location between northern Anne Arundel 1 Ο. 2 County and the southern part of Baltimore City? 3 Α. Yes. 4 Do you remember when you acquired that property? Q. 5 Α. About three years ago. At the time you acquired it, were there people who were 6 Q. 7 occupying it? Α. 8 Yes. 9 I should have asked you: Is that property a residential Q. 10 location? Do you understand my question? 11 There was a commercial property as well. Α. 12 So it was both residential and commercial? 13 Α. That is correct. I'm going to show you Government Exhibit 7a/2. Do you 14 15 recognize that as the building at That is correct. 16 Α. 17 This is the building that I'm referring to. Q. 18 Α. Yes. 19 Okay. Now, I'm going to show you Government 20 Exhibit 7a/1. Do you recognize these buildings? 21 Α. Yes. 22 And are they located on the same street and in close 23 proximity to the building at
 - A. That is correct.

25 Q. Now, I'm going to show you a close-up of this building,

and this is Government Exhibit 7a/3. 1 When you -- I'm sorry. 2 When you purchased the property, were there people residing in 3 this building? Yes, they were. 4 Α. 5 And did they become your tenants? Q. Yes. 6 Α. 7 Do you remember -- and what I'd like you to do is just Ο. 8 describe the tenants that were in this building. Was there 9 anybody living on the first or the first floor of this 10 building? 11 Α. Yes. 12 Who were they? Can you describe them? 13 INTERPRETER KIM: Excuse me? Can you describe who was living on the first floor? 14 Q. 15 The person that I see here, he used to live there. Α. 16 Okay. And are you referring to a particular person in Ο. the courtroom? 17 The person over there (indicating). 18 Α. 19 Okay. Are you -- can you tell me, if you will, how the 20 person is dressed who you're referring to. 21 The blue T-shirts. The one gentleman next to lady over Α. 22 here, T-shirt. 23 MR. CUNNINGHAM: Your Honor, if the record could

THE COURT: The record will reflect that

reflect that the witness has identified Defendant Fuertes.

24

1 identification.

BY MR. CUNNINGHAM:

- Q. Were there other tenants who were living in this
- 4 residence as well?
- 5 A. Yes. It's another person I see --
- 6 Q. And?

2

3

- 7 A. -- who sit there (indicating).
- 8 Q. And it appears you've pointed to the man in the tan shirt
- 9 at the Defense table; is that right?
- 10 A. I'm not sure now. Yes. Well, he lived there with
- 11 somebody else.
- 12 Q. And you're referring to the man in the tan shirt at this
- 13 table?
- 14 A. Yes.
- MR. CUNNINGHAM: Now, Your Honor, may the record
- 16 reflect that the witness has identified Defendant Ventura?
- 17 | THE COURT: The record will reflect that
- 18 identification.

19 BY MR. CUNNINGHAM:

- 20 Q. In addition to -- was there anybody living on the second
- 21 floor or in the attic area of this building?
- 22 A. There is people live upstairs, too.
- 23 Q. Describe for us who lived upstairs.
- 24 A. I don't remember their names. It's Hispanic.
- Q. And was this a family, or a couple, if you can recall?

They were a couple live upstairs. There is a one single 1 2 person, and then there is a couple live upstairs. 3 Q. Was there any other family or couple who lived in this particular building? 4 There were Caucasian family live there, too. 5 Α. Were there any families of other ethnicity living there? 6 Q. 7 Α. No. Now, Mr. Kim, when you purchased this building, did you 8 Q. have contact with the individual that you identified at the 9 10 Defense table, the man here in the tan shirt? 11 MR. RUTER: Your Honor, objection to the 12 characterization. If we could approach, Your Honor? 13 THE COURT: Yes. Come up. 14 (Whereupon, the following discussion occurred at the 15 bench.) 16 THE COURT: The only characterization I see in the question is the man in the tan shirt. 17 18 MR. RUTER: I thought he said, Your Honor -- well, 19 he did, and the reason I object is because he was not too sure 20 who the man in the tan shirt was. When asked to identify who 21 else lived there, he said that he wasn't sure. 22 THE COURT: Actually, I understood his answer to be: 23 I don't know who else he lived there with. 24 MR. RUTER: I think that came afterwards, Your 25 Honor. It was a mixed bag. I think initially he said he

```
1
       doesn't know -- I don't know, and then he said somebody else
 2
       lived there with him.
 3
                 THE COURT: Can you rephrase your question?
                 MR. CUNNINGHAM: Yes, Your Honor.
 4
 5
                 THE COURT: Okay.
                 MR. RUTER: Thank you, Judge.
 6
 7
                 THE COURT: Sustained.
                 (Whereupon, the bench conference was concluded.)
 8
 9
       BY MR. CUNNINGHAM:
10
            Mr. Kim, in the time immediately after you acquired this
11
       property, did you have some kind of contact with the different
12
       people that lived there?
13
       Α.
            No, I didn't.
14
       Q.
            Did you ever go to collect rent?
15
            Yes, I did.
       Α.
            And did you have contact with the people who lived there
16
       on those occasions?
17
18
            Yes.
       Α.
19
            And did you actually do any business yourself out of this
20
       particular building?
21
            I did.
       Α.
            Did you -- I'm sorry. Did you answer the question?
22
       Q.
23
       Α.
            I did.
24
       Q.
            I did. All right.
                 And I'm going to show you a couple of additional
25
```

- pictures, Mr. Kim, and ask if you recognize them as part of
- 2 this particular building. Government Exhibit 7a, do you
- 3 recognize this?
- 4 A. Yes, I do.
 - Q. And is this a door in this particular building?
- 6 A. Yes.

- $7 \quad \square$ Q. And where did that door go?
- 8 A. That is an entrance on the left.
- 9 Q. And I'm going to show you Government Exhibit 7a/5. Can
- 10 you see what appears to be a room behind this door?
- 11 A. This is room connected to the entrance. You supposed to
- 12 go to the left.
- 13 Q. Now, Mr. Kim, is this door from the outside into that
- 14 room?
- 15 A. Yes. It is the same door, yes.
- 16 \parallel Q. Was that door there when you purchased the property?
- 17 A. Yes.
- 18 \blacksquare Q. So this was a separate entrance to that room from the
- 19 outside?
- 20 A. Yes.
- 21 \blacksquare Q. And do you know how that door was constructed?
- 22 A. That door was there before I got there, so I don't know.
- 23 Q. It wasn't there before you got there, or it was?
- 24 A. It was there already.
- 25 Q. Now, do you recognize Government Exhibit 7a/7? Do you

```
1 recognize what this room is?
```

- A. Yes.
- 3 \ Q. Please tell the jury what this room is.
- 4 A. This is the room that I have used for an office for a
- 5 while.

- Q. And do you remember giving the police officers permission
- 7 to come in to this area and take photographs in June of 2011?
- 8 A. That is correct.
- 9 Q. Is this another picture from that same room, Government
- 10 Exhibit 7a/8?
- 11 A. Yes.
- 12 Q. And let me just go through the remainder of the exhibits
- 13 \parallel here. Government Exhibit 7a/9, is this also a door in that
- 14 same room?
- 15 A. Yes.
- 16 \parallel Q. Government Exhibit 7a/10, do you see this hole over
- 17 \parallel the -- what appears to be a doorway, Mr. Kim?
- 18 A. Yes, that's correct.
- 19 Q. And do you know how that hole came to be there?
- 20 A. It was like that when I purchased it. It was like that
- 21 before I got there.
- 22 Q. It was like that before you purchased it?
- Finally, Government Exhibit 7a/11, what is pictured
- in this photograph, Mr. Kim?
- 25 A. That is the stairway to downstairs.

Now, Mr. Kim, after you acquired the property, how long 1 0. 2 did the two men that you pointed to at this table remain 3 tenants or stay in that building? Perhaps one month to a month and a half. 4 Α. 5 Did you ever collect rent from them? Q. No, I did not. 6 Α. 7 Did you ever ask for rent? Q. Α. 8 I did. 9 And what kind of reaction would you get when you asked Q. 10 for rent? 11 Α. They'll pay me later. 12 Was it one person in particular who would say this to 13 you? 14 Α. One person, yes. 15 And who was that, Mr. Kim? Q. 16 The gentleman with the shirt. Α. 17 Q. Well, I'm sorry. What color shirt, please? That one, over here (indicating). The one gentleman over 18 Α. 19 here (indicating). 20 With the blue shirt? Q. 21 Now, did you ever see anybody else living in this 22 particular space in your building?

THE COURT: Mr. Cunningham, we're going to end now and pick up at 2:00.

I saw two women.

```
Members of the jury, it's time for your lunch break.
 1
 2
       Please remember: Don't discuss the case among yourselves or
 3
       with anyone else. Please be back in the jury room at about
       five minutes before 2:00 so that we can get started at 2:00.
 4
 5
                 (Jury excused.)
                 (Luncheon recess -- 12:52 p.m.)
 6
 7
                 (Afternoon session -- 2:01 p.m.)
                 THE CLERK: All rise. This Honorable Court now
 8
       resumes in session.
 9
10
                 THE COURT: Ready for the jury, counsel?
11
                 MR. CUNNINGHAM: Yes, Your Honor.
12
                 (Jury enters.)
13
                 THE COURT: Please be seated.
14
                 THE CLERK: I'd like to remind you: You're still
15
       under oath.
16
                 THE WITNESS: Yes.
       BY MR. CUNNINGHAM:
17
            Good afternoon, Mr. Kim. Let me pick up with some
18
19
       questions. I was advised at lunch my question regarding
20
       Government Exhibit 7a/5 was not very clear.
21
                 Do you see this doorway? Did you ever learn how
22
       this doorway was built?
23
            Actually, when I purchased that property, the door was
24
       there, but then -- then gentleman in this room have told me
25
       that he made that door.
```

1 And was it one of the people that you previously pointed 0. 2 to that told you that? 3 Α. Yes. And which one was it? 4 Q. 5 Α. The gentleman over there (indicating). Okay. The man in the tan. 6 Q. 7 Did you know this man by a name? Α. I don't remember his name. 8 9 You don't remember what you called him? Q. 10 Α. I can't remember. 11 Now, did he leave of his own accord, or did you kick him Q. 12 out of this residence? 13 Well, he didn't pay the rent, but then he just moved 14 away. They would have to leave. 15 Did he tell you that he was moving away? Q. 16 No, I did not (sic). 17 Do you know what the man did while he was living in your 18 building? 19 Well, I don't know what he was doing, but there was a 20 woman in that place, and they were doing something. 21 Did you see the woman --Ο. 22 MR. RUTER: Objection, Your Honor. Move to strike. 23 THE COURT: Basis? 24 MR. RUTER: It's -- it really is not an answer, Your

Honor. It's not responsive to the question.

```
1
                 THE COURT:
                             Okav.
                                     Are you satisfied with the
 2
       response?
 3
                 MR. CUNNINGHAM: Yes, Your Honor.
                 THE COURT: Okay. Overruled.
 4
 5
       BY MR. CUNNINGHAM:
            Mr. Kim, did you see the woman come out of the dwelling
 6
 7
       space?
 8
            I saw a lady two times.
       Α.
 9
            Now, did you ever see either of the two men you pointed
       Q.
10
       to, either the man in the tan shirt or the man in the blue
11
       shirt, at any other places near this residence?
12
            Yes, I have.
       Α.
13
            And what were they doing?
            Well, there were -- the gentleman was giving the little
14
       Α.
15
       paper.
16
            Did you take one of the papers?
       0.
17
            Yes, I have.
       Α.
18
            Were you able to read it or understand it?
       Q.
19
            They were the written address and phone number was on it.
       Α.
20
            And do you know what it was for?
       Q.
21
            I did not know.
       Α.
22
            Who was it that handed you the card? Do you remember?
       Q.
23
            I saw them -- they hand out the paper, and then I also
24
       saw all those papers -- leftover papers in the house after
```

they moved out.

- Q. Were these the same kind of cards that -- that you got
- 2 one of?
- 3 A. Yes, they are the same.
- 4 Q. And what did you do with those cards?
- 5 A. I trash it away.
- 6 Q. After he moved out, did you ever see the man that you
- 7 pointed to in the tan shirt come back to your building?
- 8 A. Yes.
- 9 Q. Do you know why he came back?
- 10 A. Well, actually, I didn't know why he came, but then I did
- 11 notice that he took something out of the duct in the house.
- 12 Q. Did you talk to him when he came back?
- 13 A. Yes.
- 14 | Q. And did he tell you why he was coming back?
- 15 A. No, he did not.
- 16 Q. And did you see him remove something from the ceiling?
- 17 A. Yes, I have.
- 18 Q. Did you know what it was?
- 19 A. It was money.
- 20 Q. And, at that point in time, did he still owe you money
- 21 for rent?
- 22 A. Yes.
- Q. Did you ask him for money for the rent?
- 24 A. It wasn't enough.
- Q. Did he give you any money?

1 Α. No. 2 And, when Mr. -- when this man was living in this 3 building, did he ask you to make any other changes to the 4 structure? 5 Α. Yes. What were they? 6 Q. 7 That -- in the first floor, that he wants to make a Α. 8 stairway. 9 Did you give him permission to do that? Q. 10 Α. No, I did not. 11 And how did he react? Q. 12 Well, he didn't respond that much. 13 Now, after he moved out, did you use part of the building as a business place of your own? 14 15 Α. Yes. And did anybody come to the building looking for this --16 17 these two men? 18 There were many people. Α. 19 And would they say anything as to what or why they were 20 coming there looking for these people? 21 MR. RUTER: Objection. 22 THE COURT: Basis? 23 MR. RUTER: It would be hearsay, Your Honor. 24 THE COURT: Overruled. 25 BY MR. CUNNINGHAM:

- Would they say why they were coming there? 1 Q. 2 They were looking for a woman. Α. 3 MR. CUNNINGHAM: No further questions, Your Honor. THE COURT: Cross? 4 5 MR. RUTER: Yes. Thank you, Your Honor. 6 CROSS-EXAMINATION 7 BY MR. RUTER: Mr. Kim, good afternoon. 8 Q. 9 Hi. Α. 10 0. Mr. Kim, did you ask the gentleman in the tan shirt to 11 perform any kind of work at your house? 12 Α. No. 13 To your knowledge, did he do any repair work at your 14 house? 15 Α. No. Did you have any difficulties with any kind of a sewer 16 Q. 17 problem -- you know, sewer backup in that house when this 18 gentleman was there? 19 I really didn't go there that often. Α. 20 You did not go there that often? Q. 21 Α. Correct. 22 Okay. So do you know whether or not any repairs were
 - A. The first month -- the first one month that I did not go.

made to any sewer difficulty?

23

24

25

Q. Okay. And this man here with the tan shirt was there for

```
1
       one month?
 2
       Α.
            Yes.
 3
                 MR. RUTER: I have no further questions, Your Honor.
                 THE COURT: Cross?
 4
 5
                 MR. MONTEMARANO: No questions, Your Honor.
                 THE COURT: Redirect?
 6
 7
                 MR. CUNNINGHAM: Just one quick question.
 8
                     REDIRECT EXAMINATION
 9
       BY MR. CUNNINGHAM:
10
           Mr. Kim, was this man a tenant for a period of time --
11
       for a while before you acquired the property?
12
       Α.
            That's correct.
13
                 MR. CUNNINGHAM: No further questions.
14
                 DEFENDANT VENTURA: Room. No toilet, and the sewer.
15
                 THE COURT: Any recross?
16
                 MR. RUTER: No, thank you, Your Honor.
17
                 MR. MONTEMARANO: No, Your Honor. Thank you.
18
                 THE COURT: Thank you. You may step down.
19
                 (Witness excused.)
20
                 MR. CUNNINGHAM: Your Honor, I call Antonio Guillen
       Garcia.
21
22
                 (Counsel conferring with the Defendant.)
23
                 MR. CUNNINGHAM: Mr. Garcia, if you'll -- or Avila,
24
       if you'll please go to the witness chair.
25
                 THE CLERK: Raise your right hand, please.
```

ANTONIO SANTOS GUILLEN GARCIA

WAS THEN DULY SWORN TO TELL THE TRUTH

THE CLERK: Be seated, sir. You can scoot up and pull the mic down. Speak directly toward it. Will you state your name, and then spell it for the record, please.

THE WITNESS: My name is Antonio Santos Guillen Garcia.

THE COURT: Members of the jury, have any of you known or had any dealings with Mr. Guillen Garcia?

(No response.)

THE COURT: No indication that they are. They're indicating they have not.

MR. CUNNINGHAM: Thank you, Your Honor.

DIRECT EXAMINATION

BY MR. CUNNINGHAM:

- Q. Good afternoon again, Mr. Guillen Garcia. First of all,
- 17 let me ask you: How old are you, sir?
- 18 A. How old?
- 19 Q. Yes.

1

2

3

4

5

6

7

8

9

10

11

12

13

14

15

16

20

- A. I'm 28.
- 21 Q. And where are you from?
- 22 A. Originally, El Salvador.
- 23 Q. And when did you come to the United States?
 - A. When I was like a year and a half.
- 25 Q. And have you lived in the United States for most of your

life?

- 2 A. Yes, I have.
- 3 Q. And do you currently live in Annapolis, Maryland?
- 4 A. Yes, I do.
- 5 Q. In late 2009, were you also living in Annapolis,
- 6 Maryland?
- 7 A. Yes, I was.
- 8 Q. At that time, did you have a friend you knew as Tony?
- 9 A. Yes.
- 10 Q. Do you remember what Tony's full name was?
- 11 A. No, I don't remember his full name.
- 12 Q. Do you remember if he had any kind of nicknames or names
- that his friends knew him by?
- 14 A. I only know him by -- as Tony, because his name was just
- 15 like mine's, the first name.
- 17 a picture of your friend Tony?
- 18 A. Yes, it is.
- 19 Q. Okay. Mr. Guillen Garcia, I'm going to show you now
- 20 Government Exhibit 29c, and I know it's hard to read. Let me
- 21 \parallel focus in here at the top. Do you recognize this as a lease
- 22 for an apartment at in Annapolis, Maryland?
- 23 A. Yes.
- 24 \parallel Q. And let me turn in this document to the signature page.
- 25 This is one signature page. Do you see your name and

```
signature on that document?
```

A. Yes, I do.

1

- Q. And then this is an addendum to the lease, and then do
- 4 you see your name and signature on this page?
- 5 A. Yes, I do.
- Q. Mr. Guillen Garcia, how was it that you came to rent this particular apartment?
- 8 A. The way it works, it's like -- Tony was a friend of mine.
- 9 I am a trustful person, so I really was really friends with
- 10 | him, so one day he came up to me saying that he knew that I
- 11 have my driver's license and a way to rent an apartment, so he
- came up to me one day, and he asked me, is there any way I
- could rent an apartment for him and a friend of him, and he
- 14 | said that it was because -- it was for -- for them to live
- 15 because he was going to work with this other friend who was
- 16 going to hook him up in a job that he had, like painting or
- 17 something. So I told him that, if it -- I told him it was
- okay, but just to make sure everything was -- they pay the
- 19 | bills and everything, like usually was, so I started.
- 20 Q. And did you ever meet the other person who your friend
- 21 Tony described as his other friend?
- 22 A. Yes, I did.
- Q. And did you know that person by a name?
- 24 A. No, just his nickname.
- 25 0. What was his nickname?

```
1
            Chino.
       Α.
 2
       Q.
            And do you see that person in the courtroom?
 3
       Α.
            Yes, I do.
 4
            Would you point to him, please.
       Q.
 5
       Α.
            (Pointing) Him.
                 MR. CUNNINGHAM: Your Honor, may the record reflect
 6
 7
       that Mr. Guillen Garcia has identified Defendant Ventura.
                 THE COURT: The record will reflect that.
 8
 9
                 MR. CUNNINGHAM: No further questions, Your Honor.
                 THE COURT: Thank you.
10
11
                 Cross?
12
                 MR. RUTER: No questions, Your Honor.
13
                 THE COURT: Cross?
14
                 MR. MONTEMARANO: No questions, Your Honor.
15
       you.
16
                 THE COURT: Thank you. You may step down, sir.
17
       Good day.
18
                 THE CLERK: You can step down.
19
                 MR. CUNNINGHAM: Sir, you may step down.
20
                 THE WITNESS: Okay.
21
                 (Witness excused.)
22
                 MR. CUNNINGHAM: The United States calls
23
       Ginger Duvall.
24
                 Ms. Duvall, would you please approach the witness
25
       box and face the courtroom clerk.
```

THE CLERK: Raise your right hand, please. 1 2 GINGER DUVALL 3 WAS THEN DULY SWORN TO TELL THE TRUTH THE CLERK: Okay. Be seated. You can pull the 4 5 chair and scoot up, pull the mic down, speak directly toward it, state your name, and then spell it for the record, please. 6 7 THE WITNESS: Ginger Duvall. It's G-I-N-G-E-R, D-U-V, like Victor, A-L-L. 8 9 DIRECT EXAMINATION 10 BY MR. CUNNINGHAM: 11 Good afternoon, Ms. Duvall. Where do you currently work? 0. 12 I work for a property management company, Parole 13 Associates and King Properties. 14 Q. And is that in Annapolis, Maryland? 15 That is. Α. 16 How long have you worked for that company? Q. 17 Α. Nine years. 18 And what is your position with them? Q. 19 I'm the office manager and the bookkeeper. Α. 20 Now, is King Properties and Parole Associates one Q. 21 entity --22 Α. No. 23 -- or separate businesses? Q. 24 Α. They're separate businesses. 25 And what is the nature of their business? 0.

- 1 A. It's residential and commercial rentals.
- Q. I take it that those two businesses own residential and commercial properties that they lease out?
- 4 A. Yes.
- Q. And, in the context of leasing property, what is your responsibility for both King Properties and Parole Associates?
- 7 A. I am the bookkeeper for the properties, and I intake all the rental income.
- 9 Q. And do you know who Detective Hartlove is from the 10 Annapolis Police Department?
- 11 A. Yes, I do.
- Q. Did you previously meet with him regarding the rental of certain properties owned and managed by King Properties and
- 14 Parole Associates?
- 15 A. Yes, I did.
- Q. And, likewise, you have previously met with Ms. Yasser and myself; is that correct?
- 18 A. Yes.
- Q. And, as a result of inquiries from the police department,
 did you search records and obtain leases for certain
- 21 properties?
- 22 A. I did.
- Q. I'm going to show you now first Government Exhibit 29a,
- the exhibit label. Do you recognize this as a lease for
- 25 in Annapolis, Maryland?

- 1 A. Yes.
- Q. Is this one of the properties that King Properties owned
- 3 and managed?
- 4 A. Yes, it is.
- 5 Q. And tell us very briefly, if you will, the process when
- 6 someone comes in and indicates a desire to lease one of the
- 7 properties.
- 8 A. Normally -- excuse me. Normally a rental application is
- 9 | filled out along with copies of IDs. We try to check
- 10 employment. That's not always possible.
- 11 Q. On this particular document, it shows that the tenant was
- 12 Alejandro Oliveras Rodriguez; is that correct?
- 13 A. Yes, it is.
- 14 \parallel Q. And it looks like, as far as the signature, that the
- 15 tenant signed what appears to be a first name.
- 16 A. Yes.
- 17 Q. Now, with regard to rental payments, how did King
- 18 | Properties and Parole Associates collect rent?
- 19 A. Payments are made directly to our office. They're
- 20 normally brought by the tenants themselves.
- Q. And do you accept cash?
- 22 A. We do not accept cash.
- 23 Q. Do you accept checks?
- 24 \blacksquare A. We accept checks, money orders, or bank checks only.
- 25 \parallel Q. Now, I'm going to show you Government Exhibit 29b, and

```
this is a lease dated 24 April 2008 for -- can you see on here
 1
 2
       quickly which unit this was for?
 3
       Α.
            It would be
 4
            And that's
       Q.
            That's correct.
 5
       Α.
            This is Parole Associates. Did Parole Associates own
 6
       Q.
 7
       several of the units within
 8
            Yes, they did.
       Α.
 9
            And, on this one, it looks like the rent was, what, $950
       Q.
10
       per month?
11
       Α.
            Yes.
12
            By the way, do you see on this document your signature?
13
       Α.
            No. My signature is not on it.
14
       Q.
            Okay. Was it on 29a? Did you see it anywhere on 29a?
15
       Α.
            No.
            But these documents were pulled from your business
16
17
       records?
18
            Correct. They're signed by the leasing agent. I don't
19
       normally do the leasing.
20
            Okay. And, finally, I'm going to show you Government
       Q.
21
       Exhibit 29d, and this is a 1 March -- looks like -- is that
22
       2010 lease for
23
       Α.
            That's correct.
24
            Now, on this document, do you see your signature?
25
       Α.
            Yes.
```

And do you recall if there was anything different about 1 2 this that -- why you might have signed this one as opposed to 3 the fact that you normally don't sign leases? The leasing agent probably wasn't in the office and I did 4 Α. 5 the leasing. I do do them on occasion. Ms. Duvall, did you get to know any of the people who 6 7 leased properties from either King Properties or Parole Associates? 8 9 I don't know them personally, no. Α. 10 Q. But did you get to recognize them --I could recognize, yeah, a few of them. 11 12 And, if you look around the courtroom, do you see anybody 13 in the courtroom who you recognize as a result of any kind of 14 business activity for King Properties or Parole Associates? 15 It would be the Defendant sitting right there Α. 16 (indicating). And this is the Defendant in the tan shirt? 17 18 Α. Yes. 19 MR. CUNNINGHAM: Your Honor, may the record show 20 that Ms. Duvall has identified the Defendant Ventura. 21 THE COURT: The record will show that 22 identification. 23 BY MR. CUNNINGHAM: 24 And, Ms. Duvall, very briefly, what were the

circumstances that caused you to recognize Mr. Ventura?

1	A. They brought the rent in. It was it was a day that
2	was not normal for rent to come in. They brought the rent
3	into the office, and I remember, you know, them bringing it
4	in.
5	Q. Do you remember if you saw him on more than one occasion
6	paying rent?
7	A. I don't.
8	Q. And, looking at your records, did you determine how the
9	tenants typically paid rent for these units?
10	A. They were paid with money orders.
11	Q. And were those money orders that the individual would
12	have to go and buy at some location
13	A. Correct.
14	Q as opposed to using a personal check from an account?
15	A. Correct. They were never paid through a check. It was
16	always money orders.
17	MR. CUNNINGHAM: I have nothing further of this
18	witness, Your Honor.
19	THE COURT: Cross?
20	<u>CROSS-EXAMINATION</u>
21	BY MR. RUTER:
22	Q. Ms. Duvall, when you were paid this one time by this
23	gentleman, was it by money order, or was it by a check, or do
24	you recall what it was?

A. It was by a money order.

```
1
            Okay. Do you recall where it came from -- the money
 2
       order?
       A. I don't.
 3
 4
           Okay. Nothing else that you recall at all?
       Q.
           Not to my knowledge.
 5
                 MR. RUTER: Thank you. Nothing else. Thank you.
 6
 7
                 MR. MONTEMARANO: No questions, Your Honor. Thank
 8
       you.
                 THE COURT: Thank you. You may step down.
 9
10
                 (Witness excused.)
11
                 MR. CUNNINGHAM: Your Honor, the United States
12
       recalls Detective Jose Chinchilla.
13
                 THE CLERK: I'd like to remind you: You are still
       under oath.
14
15
                 THE WITNESS: Yes, ma'am.
                 THE CLERK: And if you could state your name again
16
17
       for the record.
18
                 MR. RUTER: If we may approach, Your Honor?
19
                 THE COURT: Yes. Come up.
20
                 (Whereupon, the following discussion occurred at the
       bench.)
21
                 MR. RUTER: Your Honor, I wanted the Court to know
22
23
       that, since the break, I had occasion to look at
24
       Detective Hartlove's very lengthy report where there is
25
       indication what Detective Chinchilla has to say, so I've
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1	reviewed it, and I'm prepared to go forward.
2	mr. montemarano: I'm good.
3	THE COURT: You're having a very mellow day.
4	MR. MONTEMARANO: Week.
5	THE COURT: Thank you.
6	MR. RUTER: Thank you, Judge.
7	(Whereupon, the bench conference was concluded.)
8	MR. CUNNINGHAM: Your Honor, may I proceed?
9	THE COURT: Yes.
L 0	MR. CUNNINGHAM: Thank you.
11	JOSE CHINCHILLA
12	WAS PREVIOUSLY DULY SWORN TO TELL THE TRUTH
13	DIRECT EXAMINATION
L 4	BY MR. CUNNINGHAM:
L 5	Q. Detective Chinchilla, this morning, when you were called,
L 6	you identified yourself as a detective with the Prince
L7	George's Police Department of, I believe, about nine years'
L8	duration; is that right?
L 9	A. Yes, sir.
20	Q. And, in the 2010 time frame, do you remember what your
21	duties concentrated in?
22	A. Yes, sir. At that time, I was I'm still assigned with
23	the Prince George's County Gang Unit, which we weren't at that
24	time, but our emphasis at that time was working human
25	trafficking and prostitution locations.

- 1 Q. Do you remember making a call or responding to a call on
- 2 April 1st of 2010?
- 3 A. Yes, sir.
- 4 Q. And what were the circumstances of that response?
- 5 A. That evening, we received a call from the commander from
- 6 Patrol indicating that they had just responded to an apartment
- 7 in Oxon Hill where the call originally came in as an
- 8 individual with a gun inside an apartment, and there were
- 9 prostitutes inside the apartment.
- 10 Q. And you were told about the incoming call that prompted
- 11 the first response?
- 12 A. Correct, yes, sir.
- 13 Q. And what did you discover when you got to this particular
- 14 | location?
- 15 A. Well, once we arrived, the scene had already been
- 16 \parallel secured. We could immediately tell that it was an apartment
- 17 | that was being used for prostitution.
- 18 Q. As a result of that, did you have any contact with the
- 19 occupants?
- 20 A. We did.
- 21 \parallel Q. And did you observe any things of potential evidentiary
- 22 value in the apartment?
- 23 A. Yes, sir.
- 24 \parallel Q. Did something occur while you were in there that caused
- 25 you to report that information to another law enforcement

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officer?
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- A. Yes, sir.
- 3 Q. What was that?
- 4 A. While we were there speaking with the individuals we had
- 5 in custody, a call came in to one of their cell phones, which,
- at that time, it matched the same phone number that made the
- 7 original call to the 911 operator.
- $8 \parallel Q$. And was this a number that showed up on the cell phone
- 9 that you were able to --
- 10 A. Yes, sir.
- 11 Q. -- recognize?
- 12 A. Yes, sir.
- 13 Q. And, upon recognizing that, what did you do?
- 14 | A. Well, I asked the gentleman who was in custody if I could
- 15 just answer his phone. He said that was okay, because he
- 16 didn't recognize that number.
- 17 Q. And did you answer the phone?
- 18 A. Yes, I did.
- 19 \blacksquare Q. And what happened after you answered the phone?
- 20 A. It was a -- it was a couple conversations. The first
- 21 conversation was just like, "Hello, hello," and then he hung
- 22 up. So then I just called the number back to see what was
- going on, and then that's when we -- then, the second
- 24 \parallel conversation, I believe we had a full out conversation.
- 25 Q. And do you remember what -- whether you were speaking

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1 English or another language?
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- A. It was in Spanish.
- 3 Q. And are you fluent in Spanish?
- 4 A. I am, sir.

- 5 Q. What was said during this telephone conversation?
- A. During that conversation, it was more of, "You don't know
- 7 who you're messing with. My name is Chino from Annapolis.
- 8 dealt with people like you before. You need to stay out of my
- 9 territory."
- 10 Q. And did you identify yourself as a police officer?
- 11 A. I did not.
- 12 Q. And did you say anything to the caller or the person with
- whom you were speaking?
- 14 A. I did. I cordially asked if he wanted to meet me, if
- he'd come to the apartment, that's fine, we'd have a
- 16 conversation.
- 17 \ Q. And how did he respond to that?
- 18 A. He just got angry and hung up the phone.
- 19 Q. Were there any threats made during the conversation?
- 20 A. Yes, sir.
- 21 Q. What was the nature of the threat?
- 22 A. It wasn't a threat directly made at me. It was more of,
- 23 "I've dealt with people like you. I put people into the
- 24 ground, so if you want to see me face to face, we can do
- 25 | that."

Nothing further, Your Honor. MR. CUNNINGHAM: 1 2 THE REPORTER: Could you repeat that, please? 3 THE WITNESS: It wasn't a threat directly at me. Ιt was more indirectly saying that he's met people like me, and 4 5 that he could put people into the ground, and, if we want to meet face to face, we could meet face to face. 6 7 MR. CUNNINGHAM: I apologize, Your Honor. If I 8 could just ask one further question. THE COURT: 9 Sure. 10 BY MR. CUNNINGHAM: 11 Detective Chinchilla, I forgot to ask you: Where in your 12 jurisdiction was this brothel located? 13 Α. Oxon Hill, Maryland. 14 MR. CUNNINGHAM: Nothing further, Your Honor. 15 THE WITNESS: Prince George's County. 16 THE COURT: Cross? 17 MR. RUTER: Yes, Your Honor. 18 CROSS-EXAMINATION 19 BY MR. RUTER: 20 Detective, the person that you had in custody indicated 21 that he was not aware of the number that was calling his 22 number; is that correct? 23 Α. That is correct. Did not know who it was. Okay. 24 25 And you have no idea, in fact, who you were talking

1	to, ao you?
2	A. No. The only reason we were able to identify that is to
3	match the numbers when I reached out to another law
4	enforcement agency
5	Q. All right. Thank you.
6	A who had already identified that individual.
7	MR. RUTER: Thank you, Your Honor.
8	MR. MONTEMARANO: No questions, Your Honor. Thank
9	you.
LO	THE COURT: Thank you. Good day, sir.
L1	THE WITNESS: Thank you, Your Honor.
L2	(Witness excused.)
L3	MS. YASSER: The United States calls Esmirna Rebeca
L 4	Dueñas Franco.
L5	Ms. Dueñas, if you can face the courtroom deputy and
L 6	stand and be sworn.
L7	ESMIRNA REBECA DUEÑAS FRANCO
L 8	WAS THEN DULY SWORN TO TELL THE TRUTH
L 9	THE CLERK: Be seated.
20	MS. YASSER: Thank you.
21	THE CLERK: State your name for the record.
22	THE WITNESS: Esmirna Rebeca Dueñas Franco.
23	DIRECT EXAMINATION
24	BY MS. YASSER:
25	Q. Ms. Dueñas, how old are you?

1	Α.	Twenty-five.
2	Q.	And what is your date of birth?
3	Α.	, '87.
4	Q.	Where were you born?
5	Α.	Guatemala.
6	Q.	And where in Guatemala were you raised?
7	Α.	Peten.
8	Q.	Were you raised is Peten a city, or a village?
9	Α.	Peten is it's a city.
10	Q.	And did you grow up in Peten itself, or outside of Peten?
11	Α.	Outside the city.
12	Q.	And where was that?
13	Α.	Parcelamiento Retantelco.
14		INTERPRETER GOLDSTEIN: The interpreter is saying
15	that	phonetically. I'm not quite sure.
16		MS. YASSER: Are you saying Retantelco?
17		DEFENDANT VENTURA: Retantelco.
18		MS. YASSER: He knows.
19	BY MS	S. YASSER:
20	Q.	Were you raised in Retantelco?
21		(Defendant speaking in Spanish.)
22		MS. YASSER: Your Honor, may we approach?
23		THE COURT: Yes.
24		(Whereupon, the following discussion occurred at the
25	bench	h.)
	I	

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MS. YASSER:
                              Your Honor, we anticipated that there
 1
 2
       might be some attempt at witness intimidation. I just ask the
 3
       Court to please advise Mr. Ventura to not speak to this
       witness.
 4
 5
                 THE COURT: Okay. Mr. Ventura, can you hear me?
                 Mr. Ventura, can you hear me?
 6
 7
                 DEFENDANT VENTURA: (Nodding head in the
       affirmative.)
 8
 9
                 THE COURT: Okay. You're shaking your head.
10
                 Mr. Ventura, please do not have any communications
11
       with the witness while she is on the stand. If you do, then
12
       you will be removed from the courtroom.
13
                 MS. YASSER: Thank you, Your Honor.
14
                 (Whereupon, the bench conference was concluded.)
15
                 MS. YASSER: If I may, Your Honor?
                 THE COURT: Yes.
16
17
       BY MS. YASSER:
            Ms. Dueñas, you mentioned you were raised in a place
18
19
       called -- and excuse me if I'm pronouncing it wrong, but
20
       Retantelco?
21
       Α.
            Yes.
22
            And what is Retantelco? Is that a village, or a city?
       Q.
23
            It's a -- like a small town.
24
            And who did you live with when you were living in
25
       Retantelco?
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- 1 A. With my parents.
- 2 Q. And how far did you go in school?
- 3 A. Third grade.
- 4 Q. You left school in third grade?
- 5 A. I just went to the third grade.
- 6 Q. And so you would have been about eight or nine years old?
- 7 A. Yes.
- 8 Q. And why did you leave school in the third grade?
- 9 A. Because I had to help my parents.
- 10 Q. And what did you have to help your parents to do?
- 11 A. To do the crops in the field.
- 12 Q. Were your parents farmers?
- 13 A. Yes.
- 14 Q. And, at some point, did you leave Retantelco?
- 15 A. Yes.
- 16 Q. And how old were you?
- 17 A. Seventeen.
- 18 Q. And did you come into the United States?
- 19 A. Yes.
- 20 Q. And do you recall which border you crossed to get into
- 21 the United States?
- 22 A. Tamaulipas.
- 23 Q. Is that in Mexico?
- 24 A. Yes.
- 25 Q. And do you recall: Did you come to the United States

- 1 with or without Immigration papers?
- 2 A. Without papers.
- 3 Q. And eventually -- well, let me ask you: How were you
- 4 | transported across from Mexico into the United States?
- 5 A. With a coyote.
- 6 Q. And did you eventually make your way to Maryland?
- 7 A. Yes.
- 8 Q. And why did you come to Maryland?
- 9 A. I had someone here in Maryland who was going to receive
- 10 me.
- 11 Q. And do you recall that woman's name?
- 12 A. Yes.
- 13 \mathbb{Q} . What is it?
- 14 A. Anna.
- 15 Q. Did Anna help you pay for your passage into the United
- 16 States?
- 17 A. Yes.
- 18 Q. And, when you came to the United States, did you go to
- 19 live with Anna in Maryland?
- 20 A. Yes.
- 21 Q. And which part of Maryland was that?
- 22 A. Westminster, Baltimore.
- Q. And, Ms. Dueñas, when you first came to Westminster, did
- 24 you work? Did you find employment?
- 25 A. Yes.

- 1 Q. And how did you find that work? Did somebody help you?
- 2 A. Yes. The same person who received me was the one who
- 3 helped -- help get me work.
 - Q. And where did you work?
- 5 A. Right there in Westminster.
 - Q. At what business?
- 7 A. Recycle.

6

11

12

8 INTERPRETER GOLDSTEIN: Interpreter is trying to 9 clarify.

10 **THE WITNESS:** Recycling.

BY MS. YASSER:

- Q. What did you do for the recycling company?
- 13 A. I recycled garbage.
- Q. And what happened with the pay that you got from the
- 15 recycling job?
- A. Part of it went for rent and food, and some of it to the
- 17 woman that paid my trip.
- 18 Q. Ms. Dueñas, when you came into the United States, did you
- 19 give birth to a baby girl?
- 20 A. Yes.
- 21 Q. And was that when you were living in Westminster?
- 22 A. Yes.
- 23 Q. Okay. And is that girl now legally adopted by another
- 24 family?
- 25 A. Yes.

- 1 Q. Now, do you work now, or are you in school?
- 2 A. I work, and I study.
- 3 Q. And where do you work?
- 4 A. In New York Avenue and 9th.
- 5 Q. And what kind of work do you do?
- 6 A. Construction.
- 7 Q. And what sort of things do you do in construction?
- 8 A. I work as a laborer.
- 9 Q. Now, you said that you're in school as well; is that
- 10 right?
- 11 A. Yes.
- 12 Q. And what do you study?
- 13 A. English.
- 14 Q. Ms. Dueñas, do you have a permit to work in this country
- 15 right now?
- 16 A. Yes.
- 17 | Q. And is that in part because you're under subpoena to
- 18 testify in this case?
- 19 A. No.
- 20 Q. Ms. Dueñas, do you hope to stay in this country?
- 21 A. Yes.
- 22 O. Do you have a son here?
- 23 A. That's correct.
- Q. And is he a United States citizen?
- 25 A. Yes.

1 Ms. Dueñas, did you eventually move from Westminster down Ο. 2 to PG County? 3 Α. Yes. And why did you move there? 4 Q. I was moved from work. 5 Α. Were you still with the same company when you were moved? 6 Q. 7 Α. Yes. 8 And do you recall where you lived when you moved from Q. 9 Westminster down to PG County? 10 Α. Yes. 11 Ο. Where was that? 12 INTERPRETER GOLDSTEIN: Your Honor, the witness just 13 asked for water, if we may? 14 THE COURT: Yes. 15 MS. YASSER: Ms. Dueñas, are you a little nervous? 16 THE WITNESS: Yes. 17 MS. YASSER: Okay. Take your time if you need to 18 take a sip of water. If you need a break, just let me know. 19 INTERPRETER GOLDSTEIN: Excuse me one moment. I 20 just mentioned to the witness to let me know when she's ready 21 to proceed. 22 BY MS. YASSER: 23 Ms. Dueñas, are you ready? 24 Do you remember when you lived in PG County living 25 near a nightclub?

1 A. Yes.

2

5

6

Q. Do you remember the name of that nightclub?

3 INTERPRETER GOLDSTEIN: Galaxy?

4 THE WITNESS: Yes.

INTERPRETER GOLDSTEIN: Galaxy.

BY MS. YASSER:

- 7 Q. And you mentioned you were still working at the recycling
- 8 company when you moved down next to the Galaxy Club; is that
- 9 right?
- 10 A. Yes.
- 11 Q. And, at some point, did you stop working for the
- 12 recycling company?
- 13 A. (Witness nodding head in the affirmative.)
- 14 Q. "Yes" or "no"?
- 15 A. Yes.
- Q. You have to answer "yes" or "no" to my questions, okay?
- 17 A. Okay.
- 18 \parallel Q. Now, did you come to meet a man named Alex around that
- 19 same time?
- 20 A. Yes.
- 21 Q. And how did you meet Alex?
- 22 A. In a restaurant.
- 23 Q. And did you start a relationship with Alex?
- 24 A. Yes.
- 25 Q. And did there come a time when you learned what Alex did

- 1 for money?
- 2 A. Yes.
- 3 Q. And what was that?
- 4 A. Selling women.
- 5 Q. And, Ms. Dueñas, at some point, did you yourself start to
- 6 work for Alex?
- 7 A. Yes.
- 8 Q. And do you recall for approximately how long you worked
- 9 for Alex?
- 10 A. I don't remember.
- 11 Q. Ms. Dueñas, do you remember what kind of business Alex
- 12 was in? Was it deliveries, or houses?
- 13 A. Houses and delivery.
- 14 Q. Do you recall where, in general, Alex's houses were?
- 15 A. In Maryland.
- 16 Q. Ms. Dueñas, did Alex have any distinguishing features?
- 17 A. Yes.
- 18 Q. What was that?
- 19 A. He had a bad eye.
- 20 Q. Ms. Dueñas, did you meet a man named Chino while you were
- 21 working for Alex?
- 22 A. Yes.
- 23 Q. And do you remember the relationship between Chino and
- 24 Alex when you first met Chino?
- 25 MS. YASSER: Let me strike that. Let me ask a

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1
       different question.
 2
                 THE COURT: Yes.
 3
       BY MS. YASSER:
 4
            How did you meet Chino?
       Q.
            In the same business Alex had.
 5
       Α.
            While working for Alex, did you go to Chino's houses?
 6
       Q.
 7
       Α.
            Yes.
 8
            Ms. Dueñas, do you remember where those houses were in
 9
       general?
10
       Α.
            Yes.
11
            And do you remember where those houses were? Were they
       Q.
12
       in Maryland?
13
       Α.
            Yes.
            Ms. Dueñas, we'll return to it later, but eventually did
14
15
       there come a point in time when you started working for Chino
       instead of Alex?
16
17
       Α.
            Yes.
18
            Do you remember approximately how long you worked for
19
       Chino?
20
       Α.
            No.
21
            Okay. Ms. Dueñas, is Chino in the courtroom here today?
       Q.
22
       Α.
            Yes.
23
            And where is he?
       Q.
24
       Α.
            (Pointing).
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MS. YASSER: Okay. Let the record reflect that the

1 witness has pointed to Defendant Ventura. 2 THE COURT: The record will reflect the identification. 3 BY MS. YASSER: 4 5 Ms. Dueñas, did Chino have other men working for him in the prostitution business? 6 7 Yes. Α. 8 And, during the time you worked for Chino, did you meet any of these other men? 9 10 Α. Yes. 11 Did you meet a man named Flaco? Q. 12 Yes. Α. 13 And what was the relationship between Flaco and Chino? He worked for Chino. 14 Α. 15 Ms. Dueñas, I want you to look around the courtroom and Q. 16 tell me if you see Flaco in the courtroom today. 17 Α. (Pointing). MS. YASSER: Let the record reflect, Your Honor, 18 19 that the witness has pointed to Defendant Fuertes. 20 THE COURT: The record will reflect that identification. 21 22 MS. YASSER: Thank you, Your Honor. 23 BY MS. YASSER: 24 Ms. Dueñas, did Flaco go by any other names other than 25 Flaco?

1 Α. Yes. 2 What names? Q. 3 Α. Guanano. 4 Did you know him by any other names other than Guanano? Q. Kerlin. 5 Α. Kerlin? 6 Q. 7 Yes. Α. 8 Now, what about Defendant Chino? Did you ever hear Q. 9 anyone refer to Defendant Chino by any other names? 10 Α. Yes. 11 What names were those? Q. 12 Mike, Pancho. Α. 13 Ms. Dueñas, I want to return to talk about how you came 14 to be with Chino, okay? You mentioned that you met Chino 15 while you were working for Alex, correct? 16 Α. Yes. INTERPRETER GOLDSTEIN: The interpreters are going 17 18 to switch, Your Honor. If you'll give us a moment, please. 19 THE COURT: Yes. 20 BY MS. YASSER: 21 And Chino and Alex had separate prostitution businesses; Ο. 22 is that right? 23 Α. Yes. 24 Now, were you happy to be working for Alex during the

25

time you met Chino?

- 1 A. No.
- 2 Q. And why was that?
- 3 A. Because I didn't like what I was doing.
- 4 Q. And did you tell Chino that you didn't like what you were
- 5 doing?
- A. Yes.
- 7 Q. And was Chino nice to you then?
- 8 A. Yes.
- 9 Q. And did you talk with him about getting away from Alex?
- 10 A. Yes.
- 11 Q. And what did Chino say to you he would do?
- 12 A. Take me from where I was there and take me with him.
- Q. And did Chino make you any promises when he said that he
- 14 would take you from Alex and take you with him?
- 15 A. That I was going to have a different life.
- 16 Q. And what kind of life was that?
- 17 | A. That I didn't have to -- I wasn't going to be doing what
- 18 I was doing.
- 19 Q. And, Ms. Dueñas, what was it that you were doing at the
- 20 time? Were you having sex with men for money?
- 21 A. Yes.
- 22 Q. And did Chino tell you that you wouldn't have to do that
- 23 anymore if you came with him?
- 24 A. Yes.
- 25 Q. And did you believe him?

- 1 A. Yes.
- 2 Q. And how was it that Chino took you or helped you escape
- 3 | from Alex?
- 4 A. He took me from where I was working.
- 5 Q. And did he take you by force, or did you go with him
- 6 voluntarily?
- 7 A. Voluntarily.
- 8 Q. Where did Chino take you?
- 9 A. To Annapolis.
- 10 Q. Okay. Do you recall where in Annapolis?
- 11 A.
- 12 Q. Is that
- 13 A. Yes,
- 14 Q. And where was your daughter at this time, Ms. Dueñas?
- Was she with you?
- 16 A. Yes.
- 17 \parallel Q. Did Chino agree to take care of your daughter as well?
- 18 A. Yes.
- 19 Q. Now, tell the ladies and gentlemen of the jury what your
- relationship was like at first when you got to with
- 21 Chino.
- 22 A. It was very perfect.
- 23 Q. Did you have to sleep with men for money at the
- 24 beginning?
- 25 A. No.

- Q. And for how long was it that you went without having to
- 3 A. I don't remember.
- 4 Q. Do you remember at some point your relationship with
- 5 Chino changed?
- A. Yes.

- 7 Q. And can you tell me what happened when it changed.
- 8 A. I started to work for him.

sleep with men for money?

- 9 Q. Tell me about the conversation you had with Chino about
- 10 working for him. Was it a conversation?
- 11 A. Yes.
- 12 Q. What did Chino do or say to get you to start working for
- 13 him?
- 14 A. He gave me a box of condoms.
- 15 Q. And what did he say, Ms. Dueñas?
- 16 A. That I had to go to work.
- 17 Q. And did you resist at first?
- 18 A. Yes.
- 19 Q. And what happened when you resisted?
- 20 A. He beat me several times.
- 21 Q. Ms. Dueñas, after Chino would beat you, did you work for
- 22 him?
- 23 A. Yes.
- 24 \blacksquare Q. Were there times when Chino talked to you about your
- 25 family back in Guatemala?

- 1 A. Yes.
- 2 Q. Did he know where your family lived?
- 3 A. To know exactly where they live, no, but he knew the name
- 4 of the town where I used to live.
- 5 Q. And did Chino ever talk to you about your family?
- 6 A. Yes.
- 7 | Q. And, Ms. Dueñas, did Chino know that you were illegally
- 8 present in the United States?
- 9 A. Yes.
- 10 Q. When you came to work for Chino, was Flaco working for
- 11 | him at that time?
- 12 A. Yes.
- Q. And did you live at with Chino at this -- or with
- 14 Flaco at the same time?
- 15 A. Yes.
- 16 \parallel Q. And, aside from Chino, were there other people in the
- 17 Annapolis area that were running prostitution?
- 18 A. Yes.
- 19 Q. And did you ever hear Chino talk about those people, and,
- if so, what would he say?
- 21 A. That he didn't want any more people in his business.
- 22 Q. Did you ever see or hear Chino threaten any of those
- 23 people who were working in his area?
- 24 A. Yes.
- Q. What would you hear?

- A. That they should leave that area, that they no longer fit in that area. He was the only one to be in that area.
 - Q. Ms. Dueñas, I'm going to return to this a little later, but I want to ask you a couple of questions about your living arrangements and pay when you came to work for Chino. You testified earlier that you lived under the same roof as Flaco
- 8 A. Yes.

4

5

6

7

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10

15

- Q. And did you have to pay rent to work there, or did you just have to do work for Chino?
- 11 A. Just work.
- Q. And, speaking of pay, how much did it cost the men to have sex with the women at Chino's houses?
- 14 A. Thirty. Thirty dollars.
 - Q. And for how long was that?

; is that correct?

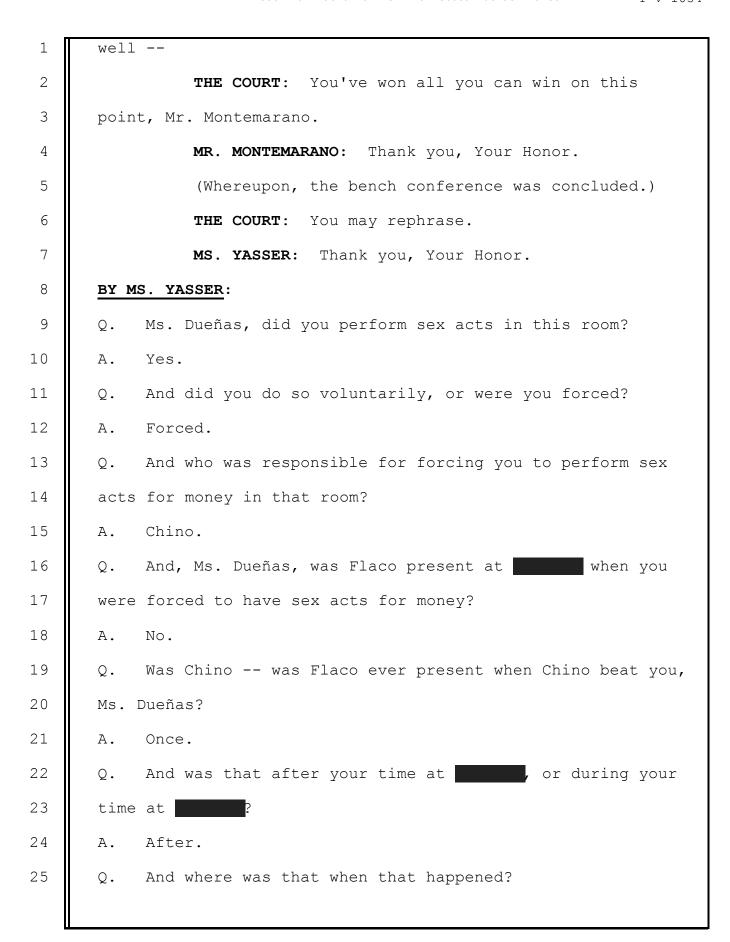
- 16 A. Fifteen minutes.
- Q. And the women who worked for Chino in his houses, do you know where they came from?
- 19 A. They came from the area from Virginia, New York.
- Q. And how much of the \$30 did those women get to keep for each client that they saw?
- $22 \parallel A$. 50 for the woman, and 50 for --
- Q. And who would pay for supplies, things like condoms and rubbing alcohol?
- 25 A. He would buy it.

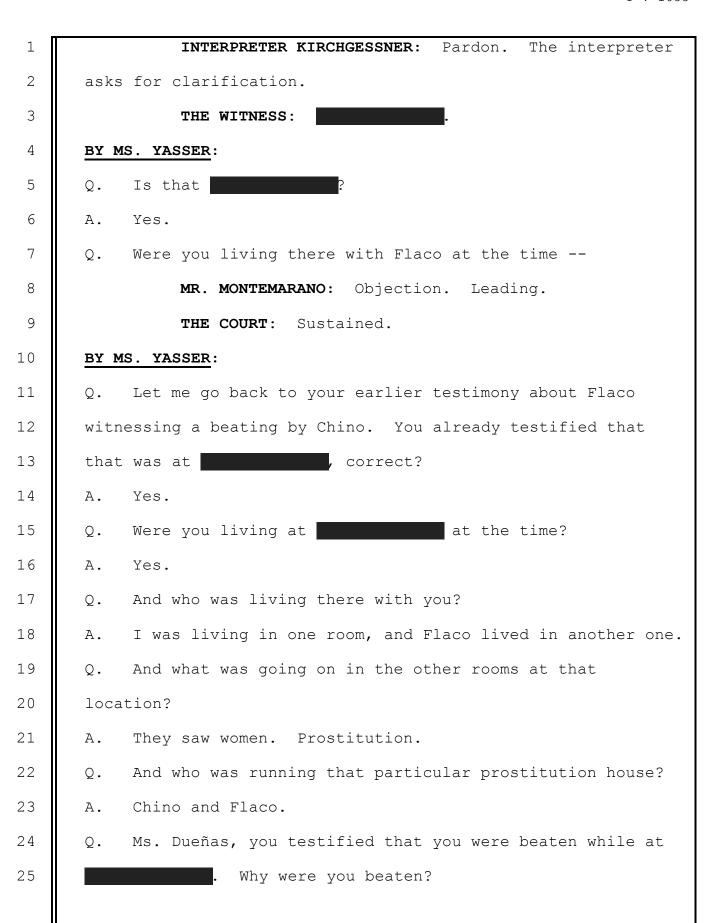
- 1 Q. And would the women have to pay him back for it?
- 2 A. Yes.
- 3 Q. And do you know how they would pay him back?
- 4 A. From the same money they made working.
- 5 Q. Ms. Dueñas, do you know who would get food for these
- 6 women?
- 7 A. Yes.
- 8 Q. And who was that?
- 9 A. El Chino.
- 10 Q. And who paid for the food?
- 11 A. The girls.
- 12 \blacksquare Q. And for what period of time or how long did a girl come
- to work in one of Chino's houses?
- 14 A. Monday to Sunday.
- 15 Q. And, during that time from Monday to Sunday, were these
- 16 women permitted to leave Chino's houses?
- 17 A. Sometimes.
- 18 Q. Now, with respect to you, Ms. Dueñas, how much money did
- 19 you get paid out of the \$30 per client?
- 20 A. Nothing.
- 21 Q. That was different from the other girls, yes?
- 22 A. Yes.
- Q. Why was that?
- 24 \parallel A. The difference was that I was with him, and the others
- 25 only arrived there to work.

1 And, over the course of your time working for Chino or 2 for Alex, did you meet other women who were in the same 3 situation as you -- women who had to give all their money to 4 their pimp? 5 Α. Yes. I want to show you a photograph, Ms. Dueñas, and ask if 6 7 you recognize the person in this photograph. MS. YASSER: And, for the record, this is 8 9 Government's 12a/10. 10 Q. Do you recognize that man? 11 Α. Yes. 12 Who was he? Q. 13 Α. He worked for Chino. 14 Q. Do you remember his name? 15 Α. No. 16 Speaking of names, Ms. Dueñas, did Chino have any Q. 17 nicknames for you? 18 Yes. Α. 19 What were those nicknames? Q. 20 La Diabla. Α. 21 Did Chino call you anything else? Q. 22 A Periquita. Α. 23 Ms. Dueñas, you said that when Chino first took you from Alex, you lived at 24 Do you recall that? 25 Α. Yes.

1	Q. And Flaco was living there as well?
2	A. Yes.
3	Q. Do you recall being encountered by the police at
4	back in September of 2008?
5	A. Yes.
6	Q. And do you recall approximately how long you had been
7	working for Chino at that time?
8	A. No.
9	Q. Do you remember if it was a short amount of time, or if
10	you had been with him for a number of months?
11	A. Short time.
12	Q. I'm going to show you a picture of a room and ask
13	MS. YASSER: And this is Government's 4i.
14	Q. Do you recognize that room?
15	A. Yes.
16	Q. Ms. Dueñas, were you forced to have sex with men for
17	money in that room?
18	MR. MONTEMARANO: Objection.
19	THE COURT: Basis?
20	MR. MONTEMARANO: May we approach?
21	THE COURT: Come up.
22	(Whereupon, the following discussion occurred at the
23	bench.)
24	MR. MONTEMARANO: Your Honor has made clear you were
25	going to permit some measure of leading by the Government,

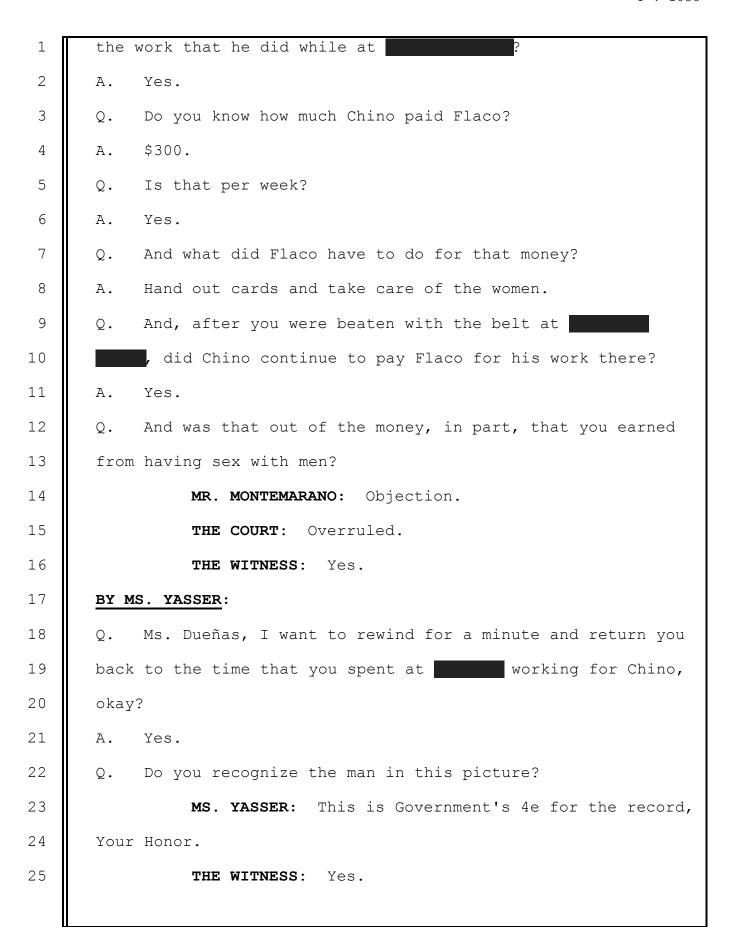
especially for witnesses with language deficits. What we have 1 2 seen for the last hour --3 THE COURT: Well, not only language deficits, but also we're having some emotional difficulty in testifying. 4 5 MR. MONTEMARANO: And, for that reason, I have not been objecting, although, as Your Honor certainly is aware, 6 7 because you have the real-time transcript from Mr. Giordano, we have had an unending parade of "Sí," "Sí," "Sí," as 8 9 answers. Now Ms. Yasser apparently is getting so comfortable 10 with that that she is going to put the ultimate question in 11 her own mouth seeking another "yes" answer from this woman: 12 Were you forced to have sex? I mean, that's -- why doesn't 13 she just ask the -- why didn't she just ask Ms. Dueñas if our 14 clients are guilty, because that's exactly what that question 15 is doing. 16 MS. YASSER: The witness has already testified that 17 she was beaten in order to perform sex acts previously, and 18 now we're at a point where we're going to discuss where those 19 sex acts took place. 20 THE COURT: Actually, I'll sustain the objection to 21 the form. 22 MR. MONTEMARANO: And, also, so it's clear, she said 23 she was beaten by Mr. Ventura, and the question is so broad 24 as -- where she's left it is that she's living at 25 my client is there, and, I think to that extent, it's --





I didn't want to have sex with men. 1 2 Was there a particular man on that occasion that you 3 didn't want to have sex with? Yes. 4 Α. 5 And why was it that you didn't want to have -- what kind Q. of sex were you being asked to perform? Let me ask that. 6 7 Α. He wanted me to have sex with Black people. 8 And was that for the first time at when you Q. 9 were asked to have sex with men other than Hispanic men? 10 Α. Yes. 11 And did you tell Chino that you didn't want to have sex 12 while at 13 Α. Yes. And what did Chino do? 14 0. 15 That I had to do it. Α. 16 And, Ms. Dueñas, is this the time when he beat you, or is that on another occasion? 17 18 Many occasions. Α. 19 And, with respect to this incident with not wanting to 20 have sex with a certain type of man at did 21 Chino beat you in response to that? 22 MR. RUTER: Objection again. Leading, Your Honor. 23 THE COURT: Overruled. 24 THE WITNESS: Yes. 25 BY MS. YASSER:

And what, if anything, did he beat you with? 1 Q. 2 With his fist and a belt. Α. 3 Q. Ms. Dueñas, when Chino hit you with his belt, did it 4 leave a mark on your body? 5 Α. Yes. And where was that mark? 6 Q. 7 Α. In the leg. Which leg? 8 Q. 9 The left one. Α. 10 Q. And do you still have that mark? 11 Α. Yes. 12 Was Flaco present when Chino beat you with a belt? Q. 13 Α. No. 14 Q. Was he at on that day? 15 Α. Yes. 16 Did you scream when you were beaten with this belt, 17 Ms. Dueñas? 18 Objection. Leading. MR. MONTEMARANO: 19 THE COURT: Overruled. 20 THE WITNESS: Yes. 21 BY MS. YASSER: 22 And, after that point in time, after you were beaten, did 23 you, in fact, continue to have sex with men for money? Α. 24 Yes. 25 And, if you know, did you ever see Chino pay Flaco for



BY MS. YASSER:

- 2 Q. Who is that?
- 3 A. Person who worked for Chino.
- 4 Q. Do you remember his name?
- 5 A. No.

- Q. Ms. Dueñas, when you stayed at _____, did you have your
- 7 daughter with you for a portion of that time?
- 8 A. Yes.
- 9 Q. I want to show you Government's 4k. Who is that a
- 10 picture of?
- 11 A. It's me and my daughter.
- 12 Q. And was that a photo that was taken before or after you
- 13 met Chino?
- 14 A. Before.
- 15 Q. Now, you testified earlier that you remembered a police
- encounter back in March of -- I'm sorry -- September of 2008
- 17 at ______ Do you recall when the police came back
- 18 | later that same evening?
- 19 A. Yes.
- 20 Q. And you weren't present then; is that correct,
- 21 Ms. Dueñas?
- 22 A. Yes.
- 23 Q. Do you remember where you were?
- 24 A. Yes.
- Q. Where was that?

- 1 A. I was with a delivery person in Maryland.
- 2 Q. And were you with Chino?
- 3 A. Yes.
- 4 Q. And your daughter was there alone at ; is that
- 5 correct?
- 6 A. Yes.
- 7 Q. And did you learn at some point that evening that she had
- 8 been taken into custody by the police?
- 9 A. Yes.
- 10 Q. How did you learn that?
- 11 A. Because of a call that Flaco made to Chino.
- 12 Q. And what did you do when you became aware of this
- 13 information?
- 14 A. I wanted to go back, but Chino didn't let me. He said,
- 15 "No."
- 16 Q. What did you do after that?
- 17 | A. That same contact, we didn't do anything. I wanted to go
- 18 back, but, when I came back, she wasn't there.
- 19 Q. And did you do something the next day?
- 20 A. Yes.
- 21 Q. What did you do?
- 22 A. I went to write a letter.
- 23 Q. Did you go with anyone to write that letter?
- 24 A. Yes.
- Q. Who was that?

- 1 A. Chino.
- 2 \blacksquare Q. And whose idea was it to write a letter?
- 3 A. His.
- 4 Q. Ms. Dueñas, you don't speak or write in English; is that
- 5 correct?
- A. Yes.
- 7 Q. Your native tongue is Spanish?
- 8 A. Yes.
- 9 Q. Can you write in Spanish?
- 10 A. Yes.
- 11 Q. Now, what did Chino say when he had this idea to write a
- 12 letter?
- 13 A. To write it against Alex.
- 14 Q. And was that letter actually written and executed?
- 15 A. Yes.
- 16 Q. Where was that done?
- 17 A. In Maryland.
- 18 Q. And, when that letter was complete, what did you do with
- 19 it?
- 20 A. I took it to Chino.
- 21 Q. And what did Chino do with the letter?
- 22 A. He kept one copy, and I kept another.
- 23 Q. And did Chino tell you what to do with the letter that
- 24 you kept?
- 25 A. To take it where my daughter was, that, with that excuse,

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1 I was going to get her back.
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- Q. And did Chino send anyone to go with you to take that
- 3 letter to where your daughter was?
- 4 A. Yes.
- 5 Q. Who was that?
- 6 A. Flaco.
- 7 Q. Did Flaco drive you to the police station?
- 8 A. No.
- 9 Q. How did you get there?
- 10 A. Walking.
- 11 Q. I want to show you Government Exhibit 27k. Do you
- 12 recognize that exhibit?
- 13 A. Yes.
- 14 | Q. What is that?
- 15 A. That's a letter that I took to where my daughter was.
- 16 \parallel Q. And, when you brought this letter -- and you say you took
- 18 A. I took it to the police department.
- 19 INTERPRETER KIRCHGESSNER: To the police station.
- 20 Interpreter correction.
- 21 Q. And, at the time you took this letter to the police
- 22 station, was Chino a free man? Was he on the street?
- 23 A. Yes.
- 24 \parallel Q. Now, this letter says, Ms. Dueñas, that, at the time,
- 25 Alex was holding you against your will. Was it true,

```
Ms. Dueñas, that you were being held against your will at the
 1
 2
       time?
 3
       Α.
            Yes.
            Was it true that Alex was holding you against your will
 4
       Q.
       at the time?
 5
 6
       Α.
            No.
 7
            Who was it, then, Ms. Dueñas, that was holding you
       Ο.
 8
       against your will at the time this letter was written?
            Chino.
 9
       Α.
10
                 THE COURT:
                             Is this a good stopping point for you?
11
                 MS. YASSER: Yes, Your Honor.
12
                            Members of the jury, we're going to take
13
       the afternoon recess now. Please remember, don't discuss the
14
       case among yourselves or with anyone else. I will call for
15
       you at 4:15.
                 THE CLERK: All rise. This Honorable Court stands
16
       in recess until 4:15.
17
18
                 (Jury excused.)
19
                 THE COURT: How much time left in your direct?
20
                 MS. YASSER: Your Honor, this is taking a lot longer
21
       than anticipated, and it will probably be another hour.
22
                 THE COURT: Okay. How many witnesses left in your
23
       case?
                                  Two more, right?
24
                 MR. CUNNINGHAM:
25
                 MS. YASSER: Two more, Your Honor.
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MR. CUNNINGHAM:
                                  Two more after her.
 1
 2
                 THE COURT: Okay. See you at 4:15.
 3
                 MS. YASSER: Thank you, Your Honor.
                 (Recess taken, 3:50 p.m. - 4:12 p.m.)
 4
 5
                 THE CLERK: All rise. This Honorable Court now
       resumes in session.
 6
 7
                 THE COURT: Where is the witness?
 8
                 MR. CUNNINGHAM: She's coming in right now, Your
 9
       Honor.
10
                 THE COURT: Ready for the jury?
11
                 MS. YASSER: Yes, Your Honor.
12
                 MR. RUTER: Yes, Your Honor.
13
                 THE COURT:
                             Jury, please, Officer.
14
                 THE CLERK:
                             The jury.
15
                 (Jury enters.)
                 THE COURT: Please be seated.
16
17
                 Remind the witness.
18
                 THE CLERK: I would like to remind you, you're still
19
       under oath.
20
                 THE WITNESS: Okay.
21
                 THE CLERK: Thank you.
22
                 MS. YASSER: Thank you, Your Honor.
23
       BY MS. YASSER:
24
            Ms. Dueñas, before the break, you had testified that
25
       Chino would talk about other people involved in the
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1 prostitution business in Annapolis. Do you recall that 2 testimony? 3 Α. Yes. And do you remember any of the names of these individuals 4 5 that Chino would talk about as competitors in the prostitution business? 6 7 It was a nickname, El Pelon. Α. 8 And did you yourself ever meet El Pelon? Q. 9 Α. No. 10 And what would Chino say when he talked about Pelon? Q. 11 He would threaten him, tell him he shouldn't be in that 12 area where he worked. 13 And was Flaco present for any of these threats? 14 Α. Yes. 15 Directing your attention back to September of 2008, do 16 you recall, in the evening hours, a helicopter flying overhead 17 on one occasion? 18 Yes. Α. 19 And where were you when that helicopter flew overhead, 20 Ms. Dueñas? 21 Α. In 22 And did you later learn what that helicopter was all 23 about? 24 Α. Yes.

25

0.

How did you learn that?

- 1 A. Through them.
- Q. And, by "them," are you referring to Chino and Flaco,
- 3 Ms. Dueñas?
- 4 A. Yes.
- 5 Q. Did you see either Chino or Flaco that evening?
- 6 A. Yes.
- 7 Q. Where did you see them?
 - A.
- 9 Q. And do you recall if you saw them together or separate at
- 10 first?

- 11 A. Separate.
- 12 Q. Who did you see first?
- 13 A. El Chino.
- 14 Q. And do you recall what Chino was doing when you saw him
- that evening in September of 2008?
- 16 A. Yes.
- 17 | Q. What was he doing?
- 18 ■ A. He would -- just had some beer in his hand.
- 19 Q. And do you recall approximately what hour that was?
- 20 A. Between 10:00 and 11:00.
- 21 Q. And do you recall: Later that evening, did you see Flaco
- 22 **as** well?
- 23 A. Yes.
- 24 Q. And do you recall whether or not you heard Flaco and
- 25 Chino talking that evening?

- 1 A. Yes.
- 2 Q. What did you hear them say?
- 3 A. They were going to celebrate the fact that they had met
- 4 their objective.
- 5 Q. And did you know at the time what that objective was?
- 6 A. Yes.
- 7 Q. And what was that?
- 8 A. They were talking about a death.
- 9 Q. And, at the time, did they use -- did they talk about the
- name of the person who had been killed?
- 11 A. Yes.
- 12 Q. And who was that?
- 13 A. Pelon.
- 14 Q. And did you notice anything about the clothing of either
- 15 two of these individuals?
- 16 A. Yes.
- 17 Q. What did you notice?
- 18 A. They had blood on them.
- 19 Q. And who had blood on them?
- 20 A. Flaco.
- 21 Q. Ms. Dueñas, did you see a weapon that evening?
- 22 A. Yes.
- Q. What did you see?
- 24 A. I saw a black automatic weapon.
- 25 Q. Who had that gun?

- 1 A. El Flaco.
- Q. Had you seen that gun before, Ms. Dueñas?
- 3 A. Yes.
 - Q. And who had it before on a prior occasion when you saw
- 5 | it?

- 6 A. Chino.
- 7 Q. Now, was there any discussion that evening about what had
- 8 happened to El Pelon?
- 9 A. Yes.
- 10 Q. And what was that?
- 11 A. That he had been killed.
- 12 Q. And did you learn if anyone was with El Pelon when he was
- 13 killed?
- 14 A. There was a woman, too.
- 15 Q. And did you hear anything about what happened to that
- 16 woman?
- 17 A. I think she was wounded in her head.
- 18 Q. And do you know if that woman was killed?
- 19 \blacksquare A. Not at that moment, but it was later said she had died.
- 20 Q. And who said that she had died later? Who told you that?
- 21 A. El Chino.
- 22 Q. And do you know if that woman was a prostitute,
- Ms. Dueñas?
- 24 \blacksquare A. From what -- I knew she was working for El Pelon.
- Q. You mentioned that you saw Flaco with a gun that evening.

- 1 After that time, did you ever see that black gun again?
- 2 A. No.
- 3 Q. Did you ever see -- starting with Chino, did you ever see
- 4 Chino with any other guns on any other times after that
- 5 evening?
- A. Yes.
- 7 Q. And did you see Chino with one gun, or more than one gun?
- 8 A. Two.
- 9 Q. Starting with the first, can you describe what the first
- 10 gun you saw Chino with looked like?
- 11 A. It was black in color.
- 12 \ Q. And do you know what kind of gun it was?
- 13 A. It was an automatic.
- 14 Q. And on how many occasions did you see Chino with that
- 15 | firearm?
- 16 A. Many times.
- 17 | Q. And, using the date of Chino's arrest as a reference
- 18 point, November 15th, 2010, do you recall approximately how
- 19 | long before that day it had been since you saw Chino with that
- 20 black firearm?
- 21 A. Months before. Maybe eight months.
- 22 Q. You mentioned there was a second gun. Can you describe
- 23 what that gun looked like?
- 24 A. It was silver plated.
- 25 Q. And do you remember what kind of gun it was?

- A. The same. Automatic.
- 2 Q. This -- with respect to the silver-plated gun, using,
- 3 again, Chino's arrest date of November 15th, 2010, as a
- 4 reference point, do you recall approximately how long before
- 5 that date you had seen Chino with the silver automatic?
- 6 A. I don't remember.
- 7 Q. Did Chino ever use any of these guns in your presence?
- 8 **A.** Yes.

- 9 Q. Can you tell the ladies and gentlemen of the jury how
- 10 Chino would use those guns?
- 11 A. To threaten us.
- 12 Q. And what would Chino do with the gun to threaten you,
- 13 Ms. Dueñas?
- 14 \blacksquare A. He would beat me and tell me he was going to kill me.
- 15 Q. Ms. Dueñas, do you know if either of those guns were
- 16 real?
- 17 A. Yes.
- 18 | Q. How do you know that?
- 19 A. Because he shot it once.
- 20 Q. And where was that?
- 21 A. Taylor Street.
- 22 | Q. Is that a location where you lived at one point in time
- 23 while working for Chino?
- 24 A. I lived there, but I never worked there.
- Q. Was that a brothel?

- 1 A. No.
- Q. And do you recall why Chino shot the firearm on that day?
- 3 A. He said he was just playing.
- 4 Q. Ms. Dueñas, did you ever see Chino physically hit any of
- 5 his male employees?
- A. Yes.
- 7 Q. Did you see that happen on one occasion, or more than one
- 8 occasion?
- 9 A. Once.
- 10 Q. Did you know the name of the person that Chino assaulted?
- 11 A. Colmillo.
- 12 Q. Do you know what Colmillo did for Chino?
- 13 A. He worked for him.
- 14 Q. Do you know what specifically he did for Chino?
- 15 A. Took care of the women and handed out cards.
- 16 Q. Can you tell the ladies and gentlemen of the jury when it
- 18 A. I don't remember the exact date.
- 19 Q. Well, tell us, then, what happened, what you saw.
- 20 A. Well, it was a fight between the two of them, and
- 21 \blacksquare Colmillo told him that he knew everything that he was doing,
- 22 and that he should take care -- he should be careful, because
- 23 he was going to tell the police everything he knew.
- 24 \blacksquare Q. And what did Chino do in response to that?
- 25 A. He hit him.

- 1 Q. And where did that take place, Ms. Dueñas?
- 2 A. In Maryland.
- 3 Q. Do you remember where?
- 4 A. No, I don't remember.
- 5 Q. Did Colmillo hit Chino back?
- 6 A. No.
- 7 Q. And what did you do when this happened, Ms. Dueñas?
- 8 A. I went to the room.
- 9 Q. Somebody tell you to go to your room?
- 10 A. Yes.
- 11 Q. Who?
- 12 A. Chino.
- Q. Ms. Dueñas, I asked you about Chino's male employees.
- 14 | want to ask you the same question with respect to the female
- prostitutes that came to work for Chino. Did you ever see
- 16 | Chino hit or beat any of the female prostitutes that worked
- 17 for him?
- 18 A. Yes.
- 19 Q. Did that happen once, or more than once?
- 20 A. Once.
- 21 Q. Do you recall the name of the person who was hit or beat
- 22 by Chino?
- 23 A. Cassandra.
- 24 Q. Do you remember Cassandra's last name?
- 25 A. No.

- 1 Q. Do you know where Cassandra came from?
- 2 A. No.

6

7

8

9

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11

12

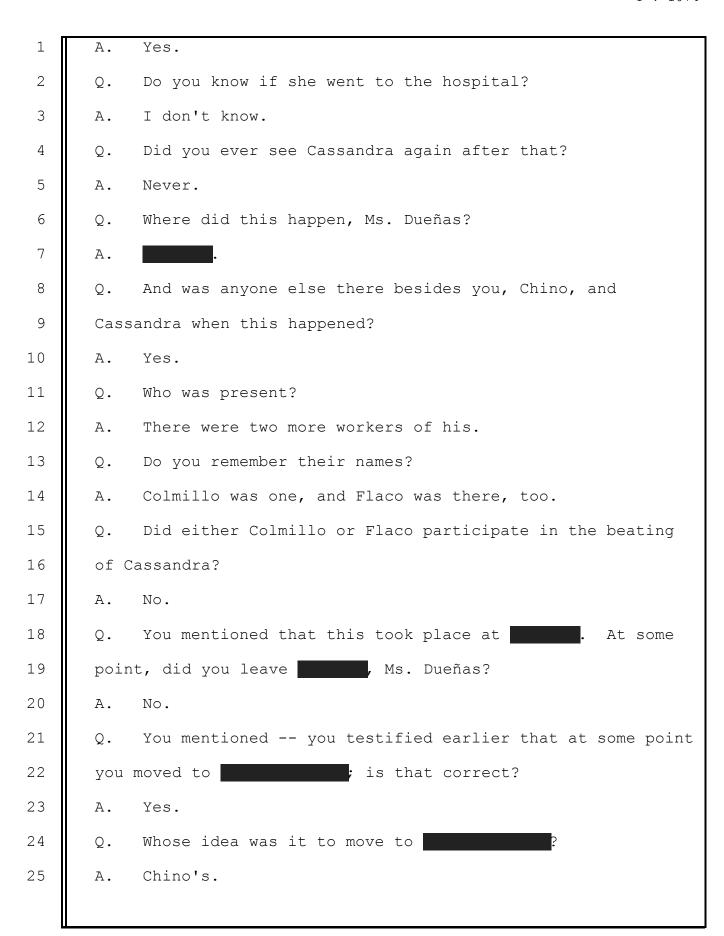
- Q. Why was she beat, Ms. Dueñas?
- 4 MR. RUTER: Objection, Your Honor, to the basis of knowledge.

THE COURT: Overruled.

THE WITNESS: Well, because, one Saturday, the girl worked really, really hard, and, the next day, on Sunday, some people came to rob the house, and it was said that she had told them to come and do that.

BY MS. YASSER:

- Q. And did Chino find out about that?
- 13 A. Yes.
- 14 Q. And where was Cassandra working when this happened?
- 15 A. Carver Street.
- Q. And what did Chino do when he found out or thought that
- 17 Cassandra had sent people to rob him?
- 18 \blacksquare A. He made her tell the truth. He got the truth out of her.
- 19 Q. How did Chino make Cassandra tell the truth?
- 20 A. Beating her.
- 21 | Q. And what, if anything, did Chino use to beat Cassandra?
- 22 A. A weapon.
- 23 Q. Where did Chino beat Cassandra?
- 24 A. On her face.
- 25 Q. Was she bleeding?



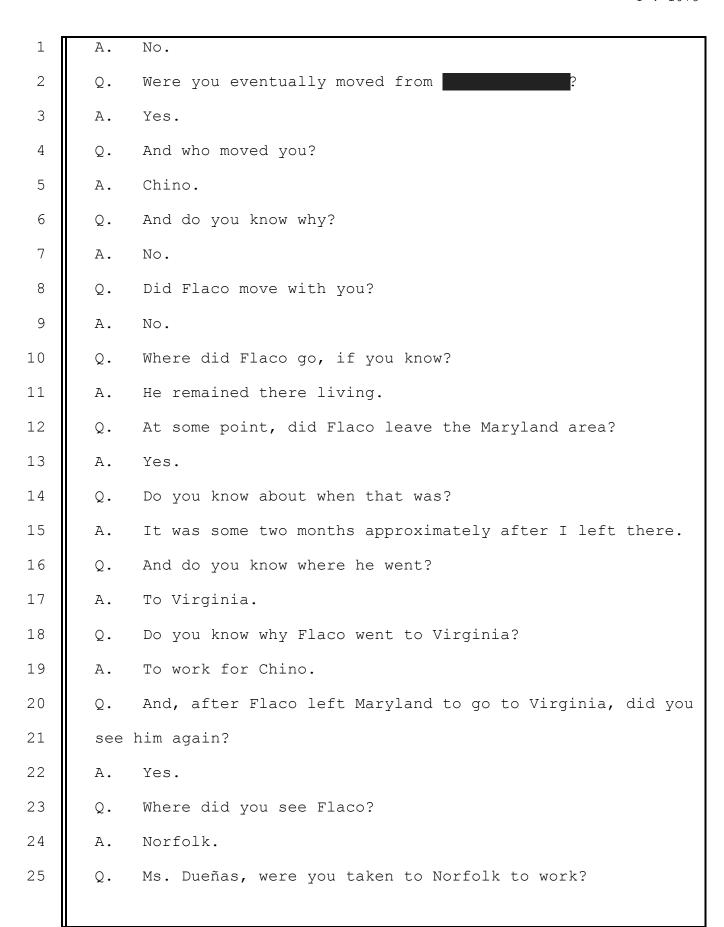
- 1 Q. And who did you move there with?
- 2 A. With Flaco.
- 3 Q. Was in Annapolis, or outside of Annapolis?
- 4 A. In Glen Burnie.
- 5 Q. Do you know why Chino wanted to move to Glen Burnie or
- 6 wanted -- excuse me. Scratch that -- wanted you and Flaco to
- 7 move to Glen Burnie? Only if you know, Ms. Dueñas.
- 8 A. No.
- 9 Q. What kind of residence or building did you live in at
- 10 Was it a single-family residence, or a
- 11 multi-unit residence?
- 12 A. It was a small building.
- 13 Q. Do you remember any of the other people that lived in
- 14 that building?
- 15 A. Yes.
- 16 Q. Who do you remember living there?
- 17 A. Upstairs, there was a white couple. In the back, there
- 18 was a Black person.
- 19 Q. Ms. Dueñas, I want to show you what's been marked and
- 20 previously admitted as Government's 7a/2. Do you recognize
- 21 that building?
- 22 A. Yes.
- Q. What is it?
- 24 \blacksquare A. That was the building where I was living.
- 25 Q. Is that

- 1 A. Yes.
- 2 Q. Ms. Dueñas, did you know anyone in that area of Glen
- 3 Burnie when Chino brought you there?
- 4 A. No.

- Q. Had you ever been to Glen Burnie before?
- 6 A. No.
- 7 Q. Did you have any means of transportation when you lived
- 8 at
- 9 A. Yes.
- 10 Q. And what was that?
- 11 A. Sometimes Chino or sometimes Flaco would move me around
- 12 in their car.
- 13 Q. And was that in order to work?
- 14 A. Yes.
- 15 Q. Other than having to work, were you permitted to go
- 16 outside?
- 17 A. Only with them.
- 18 \parallel Q. Government's 7a/3 is a closer-up image of 7a/2.
- 19 Ms. Dueñas, where, if you recall, in that building did you
- 20 | live?
- 21 A. Here.
- 22 Q. And you can actually use your finger to mark an "X" where
- 23 it is that you lived.
- 24 (Witness complying.)
- 25 Q. I want to show you Government's a/4. Do you recognize

7a/4? 1 2 Α. Yes. 3 Q. What is that? 4 That's where the women worked. Α. 5 And would you stay in another room at that same location? Q. The same place. 6 Α. 7 I'm going to show you Government's 7a/5. Do you Q. recognize that room? 8 9 Yes. Α. What is that room? 10 Q. 11 It's where we worked. 12 Ms. Dueñas, do you see the door that's depicted in Government's 7a/5? 13 14 Α. Yes. 15 Do you know who built that door? Q. Chino. 16 Α. 17 Do you know why? Did Chino tell you why he built that 18 door? 19 Α. Yes. 20 Why? Q. 21 In case of an emergency. Α.

- 22 What kind of an emergency? Q.
- 23 For example, in case the police came. Α.
- Ms. Dueñas, do you know where the money was kept at 24



1 Α. Yes. 2 Who took you there? Q. 3 Α. Chino. 4 And was Flaco there when you got there? Q. 5 Α. Yes. Do you recall where Chino took you after you left 6 7 8 Α. Yes. 9 Where was that? Q. 10 Α. Powder Mills. 11 INTERPRETER BLUMBERG: Powder Mills? 12 THE WITNESS: Yes. 13 BY MS. YASSER: 14 And did you live at Powder Mills for some time, 15 Ms. Dueñas? 16 Α. Yes. And, when you were living at Powder Mill, did you 17 continue to work for Chino? 18 19 Yes. Α. 20 Did that include working for him in Norfolk? Q. 21 Α. Yes. 22 Did Chino ever take to you to the beach? Q. 23 Α. Yes. 24 Did Chino do any sort of prostitution business, deliveries or houses or both, at the beach in Virginia? 25

- 1 A. Yes.
- 2 Q. Do you remember when it was -- when during the time of
- 3 year it was that Chino would have business at the beach?
- 4 A. In summer.
- or houses, or both?
- 7 A. Both things.
- 8 Q. And, when Chino was doing deliveries at the beach, where
- 9 would -- would you stay overnight?
- 10 A. No.
- 11 Q. And do you recall if there were times when you went to
- 12 the beach but there was no work at the beach?
- 13 A. Yes.
- 14 | Q. And what would happen if there was no work available; in
- other words, if no customers were calling?
- 16 A. We would just wait for them to come.
- 17 \parallel Q. And were there times when it was so quiet that you were
- 18 taken to other places on the beach?
- 19 A. I went to the beach once.
- 20 Q. And who did you go to the beach with?
- 21 A. With Chino.
- 22 Q. And where, if you can recall, on the beach did you go?
- 23 A. I don't remember.
- 24 Q. Ms. Dueñas, I want to show you a picture in order to
- 25 refresh your memory, and it's marked as Government

```
1
       Exhibit 26b/1.
                        Do you recognize that picture?
 2
       Α.
            Yes.
 3
       Q.
            Do you know where that was taken?
 4
            The restaurant that was near the beach.
       Α.
 5
            And do you remember why you were at the restaurant that
       Q.
 6
       day?
 7
            We just went to eat and drink.
       Α.
            And did you get drunk that day?
 8
       Q.
 9
            Yes.
       Α.
10
       Q.
            Who gave you the things to drink?
11
            Chino.
       Α.
12
            And, after you were drunk, what were you taken to do?
       Q.
13
       Α.
            To use drugs.
14
       Q.
            Who gave you drugs, Ms. Dueñas?
15
            Chino.
       Α.
16
            Do you know why he gave you drugs?
       Q.
17
            To relax me.
       Α.
            Why did you need to be relaxed?
18
       Q.
19
       Α.
            In order to have sexual relations with people.
20
            Do you remember how many men you had sex with that day?
       Q.
21
       Α.
            No.
22
            Ms. Dueñas, did you ever work -- when you were with
23
       Chino, did he ever send you to work in other people's
```

25 A. Yes.

24

brothels?

- Q. And how, if at all, would you communicate with Chino when
- 2 you were working for other people on his behalf?
- 3 A. Yes.

- Q. How did you communicate with him?
- 5 A. Telephone.
- 6 Q. Who gave you the telephone?
- 7 A. Chino.
- 8 Q. And would you use text message, or calls, or both to
- 9 communicate with Chino?
- 10 A. Both.
- 11 Q. And what, if anything, were you asked to do when you
- 12 arrived at these other locations?
- 13 A. To get the addresses of where I was going to work.
- 14 Q. And what did you do at those addresses?
- 15 A. Send them to Chino.
- 16 Q. How would you send them to Chino?
- 17 A. Message.
- 18 Q. Ms. Dueñas, when you were encountered and Chino was
- 19 | arrested on November 15th of 2010, you were pregnant, correct?
- 20 A. Yes.
- 21 Q. Who impregnated you?
- 22 A. Chino.
- 23 Q. Do you know when you became pregnant?
- 24 A. I don't remember.
- 25 Q. Do you remember your son's birthday?

- 1 A. Yes.
- Q. What is it?
- 3 A. March 5th, 2011.
- 4 Q. So you would have been pregnant sometime in the summer of
- 5 2010?
- 6 A. Yes.
- 7 | Q. And, when you learned you were pregnant, did you tell
- 8 Chino?
- 9 A. Yes.
- 10 Q. And what was his response?
- 11 A. He didn't want it.
- 12 Q. Ms. Dueñas, when you became pregnant, were you hopeful
- that you could stop working?
- 14 A. Yes.
- 15 Q. Did Chino allow you to stop working when he learned that
- 16 you were pregnant?
- 17 A. No.
- 18 Q. Were you working in prostitution up to and including the
- 20 A. Up to that date, yes, but the day that they found me at
- 21 my home, no.
- 22 | Q. And so you weren't working on that actual day that they
- found you at your home; is that what you're saying?
- 24 A. I didn't work that day.
- Q. Now, with respect to your pregnancy, did you ever sustain

```
1
       any injury as a result of working in prostitution while
 2
       pregnant?
 3
       Α.
            Yes.
 4
            How did you sustain that injury?
       Q.
 5
            With a customer.
       Α.
            What happened to you?
 6
       Q.
 7
            I started to bleed.
       Α.
 8
            And what did you do when you started to bleed?
       Q.
 9
       Α.
            I called Chino.
            And what did Chino do?
10
       Q.
11
            He went to pick me up and took me to the hospital.
       Α.
12
            And was that at your request, or was that his idea?
13
       Α.
            I said it to him.
            And was Chino reluctant at first to bring you to the
14
15
       hospital?
            No. He did say he would take me.
16
17
            Do you have a memory of being in the hospital sometime in
18
       August of 2010?
19
            Yes.
       Α.
20
            Do you remember what the doctors told you with respect to
       Q.
21
       your pregnancy?
            That the baby was okay, but that I had to rest for at
22
23
       least two weeks.
```

Q. And did you communicate that message to Chino?

25 A. Yes.

1 Did he allow you to rest? 0. 2 Α. No. You testified earlier that, when Chino beat you with a 3 Q. 4 belt, it left a mark on your body. Do you recall that? Yes. 5 Α. And you testified that it left a mark on your leg, but I 6 7 failed to ask you where on your leg and which leg? 8 Α. Left. 9 And where is it on your left leg that that belt left a 10 mark, Ms. Dueñas? 11 Α. Yes. 12 Where on your left leg? 13 Α. Yes. On the left. 14 INTERPRETER GOLDSTEIN: The interpreter would like 15 to say that the witness is pointing --16 MS. YASSER: Oh. 17 INTERPRETER GOLDSTEIN: -- to herself. 18 BY MS. YASSER: 19 Ms. Dueñas, if you can stand up and indicate to the 20 ladies and gentlemen of the jury where you are pointing to 21 your leg. 22 (Witness complying.) 23 On your left thigh? Α. 24 Yes.

25 Q. Were there any other occasions where Chino's beatings

- 1 left a physical mark on your body?
- 2 A. Yes.
- 3 Q. And, starting from the bottom of your body, can you tell
- 4 me where those marks are.
- 5 A. Right foot.
 - Q. Now, Ms. Dueñas, can you actually stand up and --
- 7 A. Sorry. Left foot.
- 8 Q. Okay. You have a mark on your left foot?
- 9 A. Yes.
- 10 Q. And what caused that particular mark on your left foot
- 11 area?

- 12 A. To have sex with fruits, with vegetables.
- 13 Q. Ms. Dueñas, can you explain to the jury what caused --
- 14 \parallel what and who caused the mark on your left leq.
- 15 A. Chino.
- 16 \parallel Q. And what did he use to cause that mark on your leg?
- 17 INTERPRETER GOLDSTEIN: Interpreter is going to ask
- 18 for clarification, Your Honor.
- 19 Your Honor, for explanation, the knife -- she's
- 20 using the word navaja, which could be a knife or a switch
- 21 blade or a razor. Perhaps you might inquire detail.
- 22 BY MS. YASSER:
- Q. Ms. Dueñas, can you tell the ladies and gentlemen of the
- 24 jury why Chino left a mark on your leg?
- 25 \blacksquare A. Because he wanted me to have sex with a vegetable.

1 And did you refuse? 0. 2 Α. Yes. 3 Q. And what did he do in response? 4 Hurt me. Α. 5 And what did he use to hurt you? Was it a sharp object? Q. Yes. 6 Α. 7 And do you recall approximately how long that object was? Q. 8 It was long. Α. 9 And you said it was a sharp object. Was it something Q. 10 that you find in the kitchen, or something that people carry 11 in their pockets? 12 Carries in the pocket. Α. 13 Ms. Dueñas, do you have any other marks on your body that 14 were left by Chino? 15 Yes. Α. Where is that? 16 0. 17 Α. On my right -- on my right elbow. 18 And what happened on your right elbow? Q. 19 He pushed me. Α. 20 And where did he push you? Q. 21 INTERPRETER GOLDSTEIN: Interpreter is going to ask 22 for a clarification. 23 (Interpreter Goldstein conferring with the witness.)

INTERPRETER GOLDSTEIN:

say that the witness has mentioned that he pushed her into

Interpreter would like to

24

```
1
       some stones.
 2
       BY MS. YASSER:
 3
       Q.
            Did you fall down, Ms. Dueñas, when he pushed you?
 4
            Yes.
       Α.
            And what part of your body did you land on?
 5
       Q.
            Right.
 6
       Α.
 7
            Do you know why Chino pushed you?
       Q.
 8
       Α.
            No.
 9
            Ms. Dueñas, despite all of this physical violence, did
       Q.
10
       you continue to stay where Chino made you stay?
11
       Α.
            Yes.
12
            And did you continue to work in prostitution for Chino?
13
       Α.
            Yes.
14
       Q.
            The same business that Flaco was also a part of?
15
            Yes.
       Α.
            Did you ever receive any of the money that you earned
16
       Q.
17
       from having sex with men on behalf of Chino and Flaco?
18
       Α.
            No.
19
            Ms. Dueñas, when you were working with Chino and Flaco,
20
       did you feel afraid of them?
21
                 MR. MONTEMARANO: Objection. May we approach?
22
                 THE COURT: Come up.
23
                  (Whereupon, the following discussion occurred at the
24
       bench.)
                                   Objecting to the leading nature.
25
                 MR. MONTEMARANO:
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There is no way for her to rephrase this question in the
 1
 2
       collective. These individuals are --
 3
                 THE COURT: Sustained.
                 MS. YASSER: Should I just -- can I separate them,
 4
       Your Honor?
 5
                 THE COURT: Yes.
 6
 7
                 MS. YASSER: Okay.
 8
                 THE COURT: Don't lump them.
                 MS. YASSER: Got it.
 9
10
                 THE COURT: How much more do you have?
11
                 MS. YASSER: This is the last question.
12
                 THE COURT:
                             Okay.
13
                 (Whereupon, the bench conference was concluded.)
14
       BY MS. YASSER:
15
            Ms. Dueñas, when you worked with Chino, did you feel
       afraid of him?
16
17
       Α.
            Yes.
            With respect to Defendant Fuertes, Flaco, did you feel
18
19
       afraid of him?
20
            No, not of him.
       Α.
21
            And, with respect to Defendant Fuertes, just to be clear,
22
       with Flaco, do you recall the last time you saw Flaco in
23
       relation to this November 15th, 2010 arrest of Chino?
24
                 MR. MONTEMARANO: Objection, Your Honor. My client
25
       wasn't present. I'm not sure I follow the question.
```

I think she's trying to establish time. 1 THE COURT: 2 I'll sustain. Let her put it again. 3 BY MS. YASSER: Ms. Dueñas, using November 15th, 2010, as a reference 4 Q. 5 point, do you recall when it was that you last saw Flaco? I don't remember. 6 Α. 7 And was it at the beach in Virginia that you last just Ο. 8 saw Flaco? 9 MR. MONTEMARANO: Objection, Your Honor. 10 THE COURT: Sustained as to form. 11 BY MS. YASSER: 12 Where did you last see Flaco? Q. 13 Α. In Virginia. And was he still working for Chino at that time? 14 Q. 15 Α. Yes. 16 MS. YASSER: No further questions, Your Honor. 17 THE COURT: Cross? 18 MR. RUTER: Thank you. 19 CROSS-EXAMINATION 20 BY MR. RUTER: 21 Good afternoon, Ms. Franco. 0. 22 Ms. Franco, you told the jurors that you entered 23 this country with the help of your parents and you used a 24 smuggler to get you into the United States; is that correct? 25 Α. Yes.

1 And we understand that you grew up very -- in very poor Ο. 2 conditions; is that correct? 3 Α. Yes. And do we understand that, at a very young age, perhaps 4 Q. 5 as young as eight or so, you were actually working, doing physical labor outside with your parents? Is that correct? 6 Yes, helping my parents. 7 Α. 8 I'm sorry? MR. RUTER: 9 INTERPRETER KIRCHGESSNER: Yes, helping my parents. 10 MR. RUTER: Yeah. 11 BY MR. RUTER: 12 And would it be fair to say, ma'am, that the reason that 13 you came to the United States was to attempt to find a better 14 life, at least financially? 15 I never came with the intention to come to the United 16 States. 17 I'm not sure what you mean by that. You did -- you had 18 intended to come to the United States; did you not? 19 Α. When I was in Tamaulipas, yes. 20 MR. RUTER: Could you repeat, ma'am? 21 INTERPRETER KIRCHGESSNER: When I was in Tamaulipas, 22 yes. 23 BY MR. RUTER: 24 And is that in Mexico?

Yes. On the border with Mexico.

25

Α.

- 1 Q. How old were you when you first entered into the United
- 2 States?
- 3 A. Nineteen.
- 4 Q. And how long had you stayed in Mexico after you left
- 5 | Guatemala?
- 6 A. About five months.
- 7 Q. And do we understand that a woman named Anna helped you
- get into the United States?
- 9 A. Yes.
- 10 Q. And do we also understand that Anna helped you get into
- 11 the United States legally, or illegally?
- 12 A. Illegally.
- 13 Q. Do you know where Anna lived -- well, let me rephrase
- 14 that. Did Anna live in the United States?
- 15 A. Yes.
- 16 Q. And did she live in Maryland?
- 17 A. Yes.
- 18 \blacksquare Q. Can you tell us how it was that you made some kind of
- communication with Anna in order for her to help smuggle you
- 20 into the United States?
- 21 A. Yes. When I was on the border -- in Mexico on the
- border, I was with a family, and she helped me to communicate
- 23 with my family at home. I asked my mother to find me a phone
- 24 | number for here, and she said she didn't know, but she was
- 25 going to see what she could do, and she contacted a friend in

- 1 the same town, and she's the one that gave her the number of
- 2 the girl that was here, and that's how I was able to come
- 3 here.
- 4 Q. So did you have occasion to speak with Anna before you
- 5 actually came into the United States?
- A. Yes. I called her, but -- and asked her to help, but she
- 7 | refused. Then I said, "Please do me a favor. I'm already
- 8 here. I came to Mexico. Everything was okay here, and please
- 9 help me get into the United States. Give me a hand," and I
- 10 said, "I would go to the United States and work to pay you
- 11 back."
- 12 Q. Okay. And Anna agreed?
- 13 A. Yes.
- 14 Q. So did you and Anna discuss precisely when you would come
- 15 into this country?
- 16 A. Yes.
- 17 | Q. And did you discuss with Anna where you would come into
- 18 this country?
- 19 A. Yes.
- 20 Q. And did you discuss with Anna how much it would cost you
- 21 to get into this country?
- 22 A. Yes.
- 23 Q. And how much was that?
- 24 \blacksquare A. From the border to Houston, 1,500.
- Q. Now, when you came into this country, Ms. Franco, did you

- 1 have any portion of that \$1,500 available that you could pay
- 2 Anna?
- 3 A. No, but she found me a job where she was working, and
- 4 that's how I started paying her back little by little.
- 5 \parallel Q. Now, that was in Westminster, in Maryland; was it not?
- 6 A. Yes.
- 7 Q. Okay. Before you left your home country, were you
- 8 | involved in any way with illegal prostitution?
- 9 A. No.
- 10 Q. And, while you were in Mexico only for several months,
- were you involved in any illegal prostitution there?
- 12 A. No.
- 13 Q. How long were you in Houston before you came to Maryland?
- 14 A. One week.
- 15 Q. And did you come directly from Houston, Texas to
- 16 Westminster, Maryland?
- 17 A. Yes.
- 18 Q. Did you take a bus?
- 19 A. A van.
- 20 Q. Okay. Was it a private van, or did you have to pay --
- 21 | was it like a taxi, or was it a private person's van?
- 22 A. It's from the same people that drive people around here
- 23 when they come here illegally.
- 24 Q. Okay. So the idea was you were met by someone in
- 25 Houston, Texas who drove you to Westminster, Maryland, who

- themselves realized that you were, if you will, in this
 country illegally?
 - A. That same person was a coyote.
- Q. Okay. When you got into Westminster, Maryland, do we understand that you got a job at a refuse plant with the
- 6 assistance of Anna?
- 7 A. Yes.

12

- 8 Q. How long was it?
- 9 INTERPRETER KIRCHGESSNER: Interpreter would like to make a correction for the witness.
- 11 **THE WITNESS:** Yes.

BY MR. RUTER:

- Q. How long was it, Ms. Franco, when you got to Westminster before you started working in the refuse plant?
- 15 A. Fifteen days.
- 16 Q. Okay. Were you living with Anna at that time?
- 17 A. Yes.
- Q. And did you two have any arrangement worked out as to
- whether or not you'd have to pay any expenses to her while you
- 20 were living with her?
- 21 A. Yes.
- 22 Q. And what was that arrangement?
- 23 A. I had to pay rent.
- 24 Q. How much?
- 25 A. A hundred dollars a month. I shared with another girl.

- Q. Was the other girl also in the country illegally?
- 2 A. Yes.
- 3 Q. Okay. Now, Ms. Franco, when you went to work for this
- 4 company, was this in the year 2006? Do you recall?
- 5 A. Yes.
- 6 Q. And do you recall whether or not you had to fill out any
- 7 paperwork before you could get that job?
- 8 A. No.
- 9 Q. When you got the job in 2006, were you married?
- 10 A. No.
- 11 Q. Okay. You don't recall filling out some paperwork that
- 12 you signed your name to and you checked the box on that piece
- of paper which indicated you were married?
- 14 A. No.
- 15 Q. Okay. Now, you were paid by the hour, Ms. Franco?
- 16 A. Yes.
- 17 Q. And were you -- shall I say were you happy with being
- 18 employed?
- 19 A. Yes.
- 20 Q. And you stayed in that job for a few months in 2006; did
- 21 you not?
- 22 A. Yes.
- Q. And you took home around \$400 a week, more or less?
- 24 Would that be correct?
- 25 A. Yes.

- Q. And that's even after taxes were taken out of your paycheck; isn't that right?
- 3 A. Yes.
- 4 Q. Did you have to tell your employer where you were from,
- 5 Ms. Franco?
- 6 A. Yes.
- 7 Q. And did you tell your employer the truth as to where you
- 8 were from?
- 9 A. Yes.
- 10 Q. Did you tell your employer that you were in this country
- 11 illegally?
- 12 A. Yes.
- 13 Q. Okay. But, nonetheless, you were permitted to work; is
- 14 | that right?
- 15 A. Yes.
- 16 Q. Okay. And do we also understand that there came a time
- 17 when you left that job?
- 18 A. I did not leave that job. I was transferred to another
- 19 place.
- Q. Okay. When you were transferred to another place, was it
- 21 \parallel your employer who transferred you to another place?
- 22 A. Yes.
- 23 Q. And that other place was somewhere in Prince George's
- 24 County; is that correct?
- 25 A. Yes.

- Q. And did the company shut down in Westminster and then
 move its offices to Prince George's County, or aren't you sure
 about that, Ms. Franco?
- A. It didn't close. It's just that there wasn't going to be much work, so they were going to keep very few people there.
 - Q. Okay. And then they asked you if you'd be willing to move to a different location and continue to work; is that what happened?
- 9 A. Yes.

7

- Q. And did you agree to move to Prince George's County so you could continue to work for that company?
- 12 A. Yes.
- Q. And did you, in fact, continue working with this company when you moved to Prince George's County?
- 15 A. Yes.
- Q. And for how long did you continue to work for that company after you moved to Prince George's County?
- 18 A. I don't remember the exact amount of time I kept working
 19 there.
- Q. Was it more than a week, do you think?
- 21 A. Yes.
- 22 Q. Was it more than a month?
- 23 A. Yes.
- 24 \blacksquare Q. Was it more than two months, do you think?
- 25 A. Correct.

- 1 Q. And you were still getting paid a paycheck?
- 2 A. Yes.
- 3 Q. Now, at that time, you were no longer living with Anna.
- 4 Would that be correct?
- 5 A. No.
- Q. So can you tell us how you found a place to live when you
- 7 moved to Prince George's County?
- 8 A. I lived with a co-worker, female.
- 9 Q. The same co-worker that lived with you in Westminster?
- 10 A. No.
- 11 Q. Okay. Was she also in this country illegally?
- 12 A. Yes.
- 13 Q. And did you all share, ma'am, the cost of your rent and
- 14 your food and so on?
- 15 A. Yes.
- 16 Q. Okay. Now, we're talking -- I think we're still in the
- 17 | year 2006, am I right, Ms. Franco, when you worked for this
- 18 company both in Westminster as well as in Prince George's
- 19 County?
- 20 A. Yes.
- 21 Q. Okay. And, in 2006, did you have a child?
- 22 A. Yes.
- 23 Q. So, when you lived in Westminster and you were working
- 24 | for this company in Westminster, you had a child at that time;
- 25 is that correct?

- A. Yes.

 Q. And how old was your child approximately in 2006?
- 3 A. Months.
- 4 Q. Just months?
- 5 A. Yes.
- 6 Q. Is the father of this child from Guatemala?
- 7 A. I don't know.
- 8 Q. Did you become pregnant with your first child while you
- 9 were in Guatemala?
- 10 A. No.
- 11 Q. Did you become pregnant with your first child when you
- 12 lived in Mexico?
- 13 A. I became pregnant when I came here.
- 14 INTERPRETER BLUMBERG: Interpreter corrects. When I
- 15 was coming here. When I was coming.
- 16 MR. RUTER: I'm sorry?
- 17 **INTERPRETER BLUMBERG:** I became pregnant when I was
- 18 on my way here.
- 19 BY MR. RUTER:
- 20 Q. Yes. You became pregnant because you were raped; is that
- 21 correct, ma'am?
- 22 A. Yes.
- 23 Q. By a man named Flaco?
- 24 A. No.
- 25 Q. They called him Flaco, didn't they?

- 1 A. He was a coyote.
- Q. Okay. And was he a person, Ms. Franco, who was supposed
- 3 to be trying to help you get into this country?
- 4 A. Yes.
- 5 Q. And, instead, he raped you, and then you had your first
- 6 child as a result of that rape; is that right, ma'am?
- 7 A. Yes.
- 8 Q. Was he involved in the prostitution business, ma'am?
- 9 A. I don't know.
- 10 Q. Okay. You were asked by Ms. Yasser where you were
- 11 working presently, and you were asked whether or not you had
- 12 received a work permit so that you could work as a result of
- your cooperation with the Government. Do you recall
- 14 Ms. Yasser asking you that question, ma'am?
- 15 A. Yes.
- 16 Q. And do you recall that your response to that question was
- 17 \parallel that you did not think that the reason that you received the
- 18 work permit was as a result of your cooperating with the
- 19 Government here today? Do you recall that answer?
- 20 A. Yes.
- 21 Q. Is it your understanding that the United States
- 22 Government played any role in your receiving a work permit?
- 23 A. Could you repeat the question, please?
- 25 Ms. Franco, did you have a work permit in 2006 when

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1 you worked for the recycling company?
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- 2 A. No.
- 3 Q. And did you ever apply for a work permit in 2006 or 2007,
- 4 2008, and so on?
- 5 A. Yes.
- 6 Q. Okay. And when did you apply for a work permit?
- 7 A. I don't remember the date.
- 8 Q. Would you agree with me that you applied for the work
- 9 permit after you started cooperating with the Government?
- 10 A. Yes.
- 11 | Q. Pardon?
- 12 A. Yes.
- 13 Q. Okay. Thank you.
- 14 Ma'am, why was it that you left the recycling
- 15 company after you moved to Prince George's County and you said
- 16 you worked there for a few months? Why did you end up no
- 17 | longer working for that company?
- 18 A. Because I found -- I met Alex.
- 19 \blacksquare Q. And Alex is someone that you found at the Galaxy
- 20 nightclub; is that correct?
- 21 A. No.
- 22 \ Q. Where did you meet him?
- 23 A. In a restaurant.
- 24 | Q. And the name of the restaurant?
- 25 A. Triunfo.

- 1 Q. I'm sorry?
- 2 A. Triunfo. Triumph.
- 3 Q. And did you simply start speaking with him, Ms. Franco,
- 4 or did he approach you and start speaking with you?
- 5 A. He came over.
- 6 Q. And could you please tell us what happened when he came
- 7 over to you?
- 8 A. Yes.
- 9 Q. What happened?
- 10 A. He came over and he asked me if it was okay -- if it was
- okay if he paid the bill for what I was eating. I told him,
- 12 | "No." And then he came over and started talking with me.
- 13 Q. And did he, in fact, sit down and begin speaking with
- 14 you?
- 15 A. Yes.
- 16 Q. And did you learn where he was from?
- 17 A. Yes.
- 18 Q. And where was that?
- 19 A. Honduras.
- 20 Q. And did you come to know how long he'd been here?
- 21 A. No.
- 22 Q. Did you come to know what it was that he did for a
- 23 | living?
- 24 A. No.
- 25 Q. And how long did your conversation last?

- 1 A. Short, like an hour.
- Q. Okay. And then did there come a time when you met again?
- 3 A. Yes.
- 4 Q. And how did that come about?
- $5 \parallel A$. I always went to eat there, and he arrived there.
- 6 Q. So are you saying that, the second time you met him, it
- 7 was strictly a matter of circumstance; that is to say, you did
- 8 not contact him in advance, and he didn't contact you in
- 9 advance?
- 10 A. Right.
- 11 Q. And did you strike up a conversation again?
- 12 A. Yes.
- 13 Q. Okay. And, this time, did he buy your dinner?
- 14 A. Yes.
- 15 Q. And, at this time, did you learn any more about Alex?
- 16 A. Yes. We started to go out.
- 17 Q. Okay. Before you went out, Ms. Franco -- I'm talking now
- 18 about the second time that you met him at the Triunfo
- 20 living?
- 21 A. He said that he worked.
- 22 Q. And did you ask him where he worked?
- 23 A. Yes.
- Q. And what did he say?
- 25 A. Construction.

- Q. All right. And did he ask you what you did for a living,
- 2 where you work?
- 3 A. Yes.
- 4 Q. And you told him you worked for a recycling company; is
- 5 that right?
- A. Yes.
- 7 | Q. So, at your second meeting, you still did not know that
- 8 he was involved in the prostitution business; is that correct?
- 9 A. Right.
- 10 Q. Okay. How long after the second meeting did you then see
- 11 him for a third time?
- 12 A. Two weeks.
- 13 Q. And did you actually kind of go out together?
- 14 A. To the same restaurant.
- 15 Q. All right. And did you learn at that time that he was in
- 16 the business of prostitution?
- 17 A. No.
- 18 Q. How much more time elapsed before you learned that he was
- in the business of prostitution?
- 20 A. Three months.
- 21 \parallel Q. And approximately how many times did you go out with him
- 22 during that three-month period before you learned that he was
- in the prostitution business?
- 24 A. Several times.
- 25 Q. And, during that time frame, Ms. Franco, did you ever

- speak in any detail with him about his construction company that he told you he allegedly owned?
- A. No. He just told me that he worked. He didn't say that he was the owner or where the business was.
 - Q. Okay. And do I understand you did not ask?
- 6 A. Yes, I asked him, but he didn't want to tell me.
- Q. And, when you say you asked, are we to understand that you asked him what kind of construction he was in?
- 9 A. Yes.

5

- Q. Did you ask him where the company was that he actually
- 11 worked for?
- 12 A. Yes.
- Q. And did you ask him what kind of job he actually held with the construction company?
- 15 A. Painter.
- 16 | Q. Pardon?
- 17 A. Painter.
- 18 Q. Okay. He told you he was a painter?
- 19 A. Yes.
- Q. Okay. So, after three months of knowing him, Ms. Franco,
- we understand that you then, for the first time, learned that
- 22 he was involved in prostitution; is that correct, ma'am?
- 23 A. Yes.
- Q. Would that take us into the year 2000, you believe, when
- 25 you first learned that he was involved in prostitution?

- 1 A. Yes.
- 2 Q. Would it be the early part of 2000, do you think? 2007
- 3 is what I meant to say. If I said 2000, my apologies.
- 4 A. Okay.
- 5 Q. Well, I'm asking you, ma'am: Do you think it was the
- 6 early part of 2007 when you learned that he was in the
- 7 prostitution business?
- 8 A. I don't remember the exact date.
- 9 Q. Okay. During this entire three-month period before you
- 10 learned what business he really was in, were you still working
- 11 at the recycling plant?
- 12 A. Yes.
- 13 Q. How long after you learned that he was in the
- 14 prostitution business was it before you began to work for him?
- 15 A. A week.
- 16 Q. Okay. Ms. Franco, why was it that you decided -- after
- 17 Alex asked you to work for him, that you decided to work for
- 18 him?
- 19 A. He told me I had to work for him because he had my
- 20 daughter.
- 21 Q. Did he have your daughter?
- 22 A. Yes.
- 23 Q. And what does that mean, he had your daughter, ma'am?
- 24 A. He threatened me with that.
- 25 Q. Okay. Well, you're saying, though, that he actually had

```
1 your daughter; is that right?
```

- 2 A. He knew where -- where he was -- where she was cared for.
- 3 INTERPRETER KIRCHGESSNER: Interpreter correction.
- 4 Q. He knew where your child was being kept by a baby-sitter,
- 5 do you mean?
- A. Yes.
- Q. And precisely what was it that Alex said to you that led you to believe that you should work for him?
- 9 A. That I had to work for him, or he would harm my daughter,

 10 that he knew where my daughter was.
- Q. Now, Ms. Franco, during this time frame, you had received a great deal of -- it sounds like you had received a great
- deal of kindness from your friend Anna to get you into this
- country and get you a job; isn't that right?
- 15 A. Yes.
- Q. And you'd had some -- you'd kept in touch with her, did
- 17 you not, because you owed her at least \$1,500 you hadn't paid
- 18 her back yet; is that right?
- 19 A. Yes.
- Q. So surely you told her about this man, Alex, and what he
- 21 was trying to do to you, didn't you?
- 22 A. No.
- 23 Q. Surely you called the police and told the police that
- 24 | this man, Alex, was threatening to harm your child; did you
- 25 not?

```
1
            I couldn't at any time.
 2
       Q.
            I'm sorry?
 3
                 INTERPRETER KIRCHGESSNER: I couldn't at any time.
            You could not at any time?
 4
       Q.
 5
       Α.
           No.
            Why will you say, Ms. Franco, that you could not?
 6
       Q.
 7
           Because he was always by my side with me.
       Α.
                 THE COURT: Mr. Ruter, would you find a good
 8
 9
       stopping place?
10
                MR. RUTER: Your Honor, I'll be happy to stop right
11
       now. Thank you very much.
12
                 THE COURT: Okay. Members of the jury, we've
13
       reached the end of the trial day. Please remember, don't
       discuss the case among yourselves or with anyone else. Please
14
15
       be in the jury room tomorrow morning at about 9:25 so that we
       can get started at 9:30. Good night, ladies and gentlemen.
16
17
                 JURORS: Good night.
18
                 (Jury excused.)
19
                 THE COURT: Ms. Dueñas Franco, you're not to discuss
20
       your testimony with anyone this evening. Do you understand?
21
                 THE WITNESS: Yes.
22
                 (Witness excused pending further examination.)
23
                 THE COURT: Thank you. So who do you have left?
24
                MS. YASSER: We have -- Your Honor, we have Dr. Mesa
25
       Baker, who is the doctor who examined Ms. Dueñas and took note
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of the marks upon her body, and then we have Special Agent Ed
 1
 2
       Kelly.
 3
                 THE COURT: Summary witness?
                 MS. YASSER: Yes, Your Honor.
 4
 5
                 THE COURT: How long do you expect the direct of
       Dr. Baker will be?
 6
 7
                 MS. YASSER: Fairly short. Maybe 30 to 45 minutes.
                 THE COURT: Mr. Montemarano, so far, how long will
 8
 9
       you be on cross?
10
                 MR. MONTEMARANO: Half hour, longer. Who knows?
11
                 THE COURT: Okay. If you all are going to have a
12
       witness, perhaps you could have that witness available
13
       tomorrow afternoon.
                 MR. RUTER: Yes. Your Honor, on that note, could we
14
15
       approach to have a brief conference with the Court?
16
                 THE COURT: Yes. Come up.
17
                 MR. RUTER: Thank you.
18
                 THE COURT: You may step down, ma'am.
19
                 (Whereupon, the following discussion occurred at the
20
       bench.)
21
                 THE COURT: Yes, sir?
22
                 MR. RUTER: Your Honor, on that note --
23
                 THE COURT: Yes?
24
                 MR. RUTER: -- it's possible that Mr. Ventura may
25
       wish to testify.
```

1 THE COURT: Okav. 2 MR. RUTER: And I had -- I had spent over four hours 3 on Saturday, Your Honor, speaking with him about that issue, and I can only say, without going any further, I would like 4 more time to see if I could possibly direct him in the event 5 that he persists in testifying. 6 7 THE COURT: If I end tomorrow, I won't force you to 8 start with -- if you decide to do that. I will give you overnight to prep him if that's what you need, so I guarantee 9 10 you that you won't put him on earlier than Wednesday, 9:30. 11 MR. RUTER: Okay. And, finally, I'd say this, Your 12 Honor, and I appreciate the Court's indulgence. The 13 difficulty with the Court's plan, which is wonderful, is that, 14 as soon as 6:00 p.m. hits, the Marshals drive him to 15 Washington, D.C., and that's why I went to Washington, D.C. on Saturday, because no other time to see him, so, if I were to 16 17 prep him, Your Honor, there is literally no time to -- I tried 18 to make it happen on Saturday. I just was not successful. 19 THE COURT: Okay. What if we start at 11:00 on 20 Wednesday? 21 MR. RUTER: That's the best I could ask for, Judge. 22 THE COURT: Okay. 23 MR. RUTER: That's the best I could ask for. 24 THE COURT: 11:00 a.m. for Mr. Ventura.

Thank you. And hopefully that means the

25

MR. RUTER:

Marshals will still bring him here. 1 2 THE COURT: Their usually time, no less. We'll do 3 that. Yes, sir? 4 MR. MONTEMARANO: While we're here, we can start out 5 a couple of other things. There is no chance on God's green 6 7 earth that Mr. Fuertes will take the stand. 8 THE COURT: Okay. MR. MONTEMARANO: I'm advising the Court of that 9 10 now. He's going to entrust that decision to me, and I've made 11 it. 12 THE COURT: You've made it. Yes. As ever 13 reasonable. Anything else, folks? MR. MONTEMARANO: There was the evidentiary issue 14 15 that I brought at the beginning of --16 THE COURT: Oh, yes. What was that? 17 MR. MONTEMARANO: We were provided yesterday by --18 with a series of summary charts concerning telephones --19 frequency logs, how many times they had contacted each other, 20 and identifying certain phones to certain people. I can give 21 the Court copies of those. 22 The accompanying e-mail stated that these were 23 substantially the same charts that were provided to us on the 24 27th of March, and then there is a comma, and then there is 25 the phrase, "except that there are two other phones identified

to Mr. Fuertes." On the 27th of March, there were three. 1 2 Last night, there were five. One of them, I don't think has 3 any source except in a statement made by Mr. Fuertes, so I think that's really fruit of the poisonous tree, but I would 4 5 arque --MS. YASSER: I wish I had the chart in front of me, 6 7 but, from memory, one of the numbers that was added was as a 8 result of Mr. Ascencio's testimony that he had saved a certain number under "Flaco" in his phone, and he indicated that that 9 10 was the number for the Defendant Fuertes. When we ran that 11 number, we noted additional frequencies of contact with 12 Mr. Ventura, and that's why we added that number into the 13 chart. MR. MONTEMARANO: Was that Number 4? 14 15 MS. YASSER: That was Number 4, I believe. MR. MONTEMARANO: If that's the basis, Your Honor, I 16 17 quess I really don't have anything to say. It came out of the 18 testimony of their witness, and I'm probably wasting my time. 19 I'm not going to withdraw my objection, but I'm not going to 20 ask to be heard any further. 21 THE COURT: Sure. Okay. 22 MR. MONTEMARANO: It's Fuertes 5 that really --23 MS. YASSER: And, if memory serves, Fuertes 5 was on 24 a booking sheet that I think has been submitted into evidence 25 and was a number provided as his own back in March of '09 and

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1
       possibly even in December.
 2
                 MR. MONTEMARANO: In December, it comes from
 3
       Fuertes' statement, a statement which was suppressed.
                 MS. YASSER: Well, he would have -- there was a
 4
       booking sheet that would have contained the number, and I
 5
       believe that's been admitted, but I have to go back and check
 6
       my notes as well as the evidence, but it did evolve over the
 7
 8
       course of trial, and that's why those numbers were added.
                 THE COURT: Let me know the source tomorrow.
 9
10
                 MS. YASSER: Thank you.
11
                 THE COURT: Okay. Anything else?
12
                 MR. MONTEMARANO: No, Your Honor.
13
                 MR. RUTER: No, sir. Thank you.
14
                 THE COURT: See you tomorrow morning.
15
                 MS. YASSER: Thank you, Your Honor.
                 THE COURT: Bye-bye.
16
17
                 (Whereupon, the bench conference was concluded.)
                 THE CLERK: All rise. This Honorable Court stands
18
19
       in recess until tomorrow morning at 9:30.
20
                 THE COURT: Mr. Ruter, if you would remind me
21
       tomorrow morning to make the request of the Marshals re
22
       Wednesday morning.
23
                 MR. RUTER: I certainly will, Judge. Thank you.
24
                 THE COURT: Thank you. Good night.
25
                 (Proceedings adjourned.)
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3	I, Martin J. Giordano, Registered Merit Reporter and Certified
4	Realtime Reporter, certify that the foregoing is a correct
5	transcript from the record of proceedings in the
6	above-entitled matter.
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9	Martin J. Giordano, RMR, CRR Date
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